LAW
ON SPATIAL PLANNING AND CONSTRUCTION

I GENERAL PROVISIONS

Article 1

This Law shall govern the system of spatial planning and spatial development, preparation, preparation and adoption of spatial planning documents, the site conditions permit, development of construction land, issuance of building permits, the types and contents of technical documentation, facilities construction and mutual relations among participants in construction, use and removal of facilities, legalization of facilities, performance of supervision over application of this Law, competence and operations of the Chamber of Engineers, and other matters of importance for spatial development, construction land and facilities construction.

Article 2

(1) The terms used in this Law referring to spatial development and construction land shall have the following meaning:

a) zones and locations of significance mean physical spaces that, as natural factors of development, (agricultural land and areas, mineral wealth, hunting and fishing areas and other areas) for which the conditions have not been met for utilization in the planning period of the spatial planning document being adopted, shall be protected and conserved under the plan, and in addition those are also specific forest areas, especially valuable landscapes, banks and other specific and valuable areas for which the plan stipulates permanent protection without the possibility of construction,

b) a city, in the context of this Law, means a unit of local self-governance which, pursuant to spatial development documents, represents a connected urban, infrastructural and spatial unit in the function of daily needs of the population,

c) urban construction land means both developed and undeveloped land in cities and settlements of urban character, which is, in corresponding plans, intended for construction of facilities in compliance with the provisions of this Law, and that had earlier been defined by law or other regulations, that is, that had been determined as such by the decision of the assembly of the unit of local self-governance,

d) construction line is a planning line on the surface, above or below the surface of land or water, determined graphically and numerically by the plan or on the basis of the plan, representing the border to which the facility may be constructed or on which it has to be constructed, that is, the line that must not be crossed by the most prominent part of the facility,

e) building plot means a land surface under the facility and the land for regular utilization of the facility, defined numerically and graphically by the spatial document or on the basis thereof, with provided vehicle and pedestrian access to the public traffic area, appropriate number of parking lots and provided green area that covers the minimum of 20% of the total area of the plot in case of construction of new facilities, except for the cases of replacement of the existing building with new building,

f) spatial development document means a planning document determining the organization, purpose and the method of utilization and management of physical space, as well as the criteria and guidelines for physical space development and protection,

g) protective belt and protective zone means the areas of land, water areas or air spaces determined by the plan or on the basis thereof, numerically and graphically, and are intended for protection of life and health of people, safety of facilities, areas or spaces, in compliance with the
provisions of special regulations or in compliance with professional rules that apply in the corresponding area,

h) green and recreational areas also mean, beside the facilities of landscaping architecture, public green areas, green areas, that is, belts, which have various recreational and protective purposes, green areas of residential, that is, urban units, green areas of special purpose, areas for recreation and mass sports in the open space (playgrounds, outing sites, walkways, sports fields, swimming locations), green areas along the banks of rivers and lakes,

i) a zone is a physical space unit or a part of a physical space unit, determined, graphically and numerically, by a spatial development document, and in compliance with special regulations,

j) zones of natural risk are the areas under threat determined in accordance with the natural characteristics of the area (atmospheric, hydrological, seismological, and flame based phenomena that, due to their location, severity and frequency, have a potential for severe impact on the society), specifically the flooding areas, landslides, ravines, avalanches, forest fire areas, areas of earthquakes, scree, etc.,

k) a historical urban landscape means an urban space with a historical layer of social, cultural and natural values and properties,

l) public infrastructure means facilities on the surface, above and below the surface of the land or water, constructed or envisaged for construction under the plan, that facilitate movement of people, goods, products, water, energy, information, etc., and that may be transport, hydro-technical, energy, telecommunications, information infrastructure or other,

m) public areas mean land or water areas defined under the spatial planning document or on the basis thereof, numerically and graphically or only graphically, intended for public use, public activities and activities available for undefined number of people as such,

n) the coefficient of occupancy is the ratio of the layout area of all facilities on a building plot (including roof cornices, balconies, terraces, etc.) and the total size of the building plot area,

o) the coefficient of construction is the ratio of the total gross construction area size of all the floors above ground of the facility and the total area size of the building plot,

p) utility infrastructure is the public infrastructure of the unit of local self-governance,

q) locations for monitoring of the condition of the environment are the existing locations or locations envisaged under the plan, zones or physical space units, on which monitoring and measurement of emissions, ecological media and other ecosystem parameters (biodiversity, environmental conditions of the vegetation) is performed,

r) a settlement is a constructed and functionally unified space on which conditions for living, working and meeting of common needs of inhabitants have been provided, and that may have the character of urban or rural settlements,

t) a populated place is a territorial unit that, as a rule, covers one or more settlements, including the area that belongs to that populated place,

u) landscaping architecture facilities represent facilities that comprise the urban unit, constructed or envisaged for construction under the plan, such as: v) a park, a square, a garden, a small square, a cemetery, a boulevard, an avenue, a city park, a district park, a forest park, a beach, a jetty, a school yard, a kindergarten yard, zoological, dendrological and botanic gardens, developed spaces within residential blocks, plateaus, etc.,

w) sustainable development is facilitation of utilization of such space, which, together with the conservation of the environment, nature and lasting utilization of natural wealth, and protection of cultural heritage and other natural values, meets the needs of the current generations without compromising the needs of future generations,

x) other construction land is developed and undeveloped land intended for construction of facilities in compliance with provisions of this Law, and that is located outside the zone of urban construction land, that is, outside of cities and settlements of urban character, and is determined by the decision of the assembly of the unit of local self-governance,

y) the planning period is a period expressed in years for which analysis and assessment of needs and possibilities for spatial development have been performed and for which objectives and
the programme, that is, the concept of development for the area have been determined, within the scope of the spatial development document,

z) physical space is a set of natural and constructed structures on the surface, above or below the surface of land or water, to the level to which immediate impacts of human activities reach,

aa) physical space unit is spatially and functionally unified space that is constructed or envisaged for construction under a planning enactment,

bb) spatial development means development and improvement of natural and constructed physical space as a result of natural and human activities,

c) spatial development is planned deployment of activities and facilities within certain physical space,

dd) a regulation line is a planning line, determined graphically and numerically, separating the land planned for public areas from land planned for other purposes, and
e) a village means a part of a unit of local self-governance with its physical space mainly used for performance of agricultural activities.

(2) The terms used in this Law referring to construction of facilities shall have the following meaning:

a) the height of the facilities shall be measured from the final levelled and regulated terrain along the facade of the facility on its lowest part up to the upper edge of the attic structure on the last floor, that is, the top of the upper walls of the loft,

b) a construction site is the land, including the temporarily occupied land or the facility on which construction is being performed, as well as the land necessary to facilitate the application of the corresponding construction technology,

c) construction products are produced construction materials, pre-fabricates, elements and industrially produced constructions that are intended for construction,

d) parts of facilities:

1) a gallery (G) is a semi-open or open part of a facility whose area is used within the space of the floor of the facility with which it represents a joint functional unit, and for the area of which the size of that floor is increased and with which it is connected by separate vertical communication, and that shall be treated as a separate floor above ground in total number of floors of the facility,

2) a cellar (Po) is a part of the facility that is totally dug in or is dug in at the level exceeding 50% of its volume, in the finally levelled terrain, and whose area is located beneath the floor of the ground floor, i.e. the basement,

3) a basement (Su) is a part of a facility that is located beneath the floor of the ground floor and is dug in up to one half of its height, at most, into the finally regulated and levelled terrain along the front facade of the facility or stands outside of the terrain with at least one of its facades,

4) a ground floor (Pr) is a part of a facility whose space is located immediately on the surface, i.e. up to 1.5 meters above the finally regulated and levelled terrain, measured on the lowest point along the facade of the facility, or whose space is located above the cellar and/or the basement (below the floor of the storey or a roof),

5) a storey (S) is a part of the facility located between two floors above the ground floor,

6) a drawn level (Pe) is the last floor of the building with its facade drawn inward in comparison to the front facade of a building,

7) an attic (Pk) - mansard (M) is a part of a building with its usable space located above the last floor and immediately beneath a sloping or curved roof, and the height of its upper walls shall not exceed 1.8 m,

e) an energy characteristic of a building is a calculated or measured quantity of energy necessary to meet the needs for energy related to the characteristic utilization of the building and which, inter alia, includes the energy used for heating, cooling, ventilation, hot water preparation, and lighting,

f) protection of cultural and natural resources includes:
1) illumination, representing the undertaking of such interventions on the monument or in its immediate surroundings in order to install the system of electrical lighting, which shall in no way threaten its value,

2) conservation of the monument, implying the preservation of physical remnants of the monument and its surrounding, with the prohibition of any construction of a new facility on the same locality or in the vicinity of the locality, in addition to the protection from the destruction of the findings and any re-arrangements that would pose a threat to the authenticity of the monument,,

3) restoration, which involves the addition of elements or parts of a cultural monument in its original form in order to preserve or uncover monumental values that were unknown, restore aesthetic values that were damaged, diminished or destroyed, and

4) rehabilitation which represents return of damaged or destroyed cultural property to a state in which it was good before its damaging or destruction, to a reasonably possible extent, including construction of a national monument in the same place, in the same shape and form, of the same dimensions and the same material as it was before demolition, using the same building technologies, wherever possible,

g) a building is a facility whose constructional unit comprises horizontal and vertical elements and the roof, together with all the installations and equipment, comprising a functional unit, and which is intended for housing or performance of certain activities or functions,,

h) a building with close to zero energy consumption is a building that has very high energy properties, which should, to a significant extent, be covered by energy from renewable sources, including energy from renewable sources generated on the spot or in the vicinity,

i) a contractor is a legal person performing works in construction for which it holds a licence, or an entrepreneur performing craft works and constructing facilities referred to in Article 115 of this Law,

j) an individual residential facility is a building with a residential purpose on a separate building plot with the maximum of three apartments, and not having more than a cellar and three floors above ground,

k) an individual residential-commercial facility is a building with a residential and commercial purpose, with the maximum of three apartments, and not having more than a cellar and three floors above ground,

l) an investor is a legal or a physical person on whose behalf the facility is being constructed,

m) a licence is an authorization confirming that the physical or legal person is meeting the conditions stipulated under this Law for producing spatial development documents or production of technical documentation or the audit of technical documentation, or construction, or supervision over construction, or issuance of energy certificates, and with which it is approved to perform those tasks,

o) a supervisory institution is a legal or a physical person with adequate professional qualifications performing supervision over works in construction, for which it holds a licence,

p) a facility is a set of construction elements in physical space that is connected with land on a certain location with all the installations, plants, and equipment (buildings of all types, transport, water management, and energy facilities, utility infrastructure facilities, industrial, agricultural, and other economic facilities, sports and recreation facilities, cemeteries, shelters etc.), as well as interventions in physical space that change the method of utilization of physical space, such as an embankment, an excavation, a disposal site or similar,

q) a responsible person is a person authorised for representation within a legal person or a manager of an administrative institution,

r) removal of architectural barriers is the process of ensuring the conditions necessary for persons with special needs (children and persons with reduced physical capacities) to move in physical space without any impediments, and it covers: s) planning of physical space on public transport and pedestrian areas, access to constructed facilities, designing of residential and non-
residential buildings, as well as special devices within them, and removal of architectural barriers in existing constructed facilities,

t) auxiliary buildings (garages, summer kitchens, storage spaces and similar) are buildings that serve indirectly for certain activities or purposes, by ensuring the conditions necessary for the functioning of the main buildings,

u) temporary facilities are facilities of prefabricated type that are located on a construction land which is provided for placement of temporary structures by a valid spatial planning document or that are located on construction land that is not brought to its final purpose specified in the spatial planning document and whose purpose is compatible to the purpose of space on which they are located or temporarily placed for the requirements of construction sites or in order to organize fairs, public events, as well as kiosks, telephone booths, summer gardens, advertising panels and similar or facilities placed in case of emergency conditions and circumstances,

v) a designer is a physical person with adequate professional qualifications holding a licence for producing technical documentation,

w) designing is an activity covering the production of designings necessary for the issuance of building permits and other designings that comprise technical documentation,

x) works relating to facility construction:

1) adaptation is performance of construction and other works on the existing facility, with which changes in the organization of the space in the facility are performed for the purpose of changing the activity, replacing the devices, plants, equipment, or installations of the same capacity, which do not have an effect on the stability and safety of the facility, which do not change construction elements, do not change the external outlook and do not have an effect on the safety of neighbouring facilities, transport, or the environment, do not change the conditions provided in the building permit on the basis of which the facility had been constructed and it is not necessary to obtain a site permit or a construction licence for those works,

2) a major reconstruction of a building is a reconstruction in which the total price of the reconstruction that concerns the facade of the building or the technical systems of the building exceeds 25% of value of the building, not counting the value of the land on which the building is situated, or in which more than 25% of the area size of the facade of the building is subject to reconstruction,

3) construction is a process covering the performance of preparatory and construction works (including construction and craft works and installation works) for the construction of new facilities, the execution of those works during reconstruction, extension, upgrade of existing facilities, protection of cultural monuments (conservation, restoration, reproduction, and illumination), and construction of temporary facilities and removal of facilities,

4) extension is the expansion of horizontal dimensions of an existing facility, which occupies the land or the space compared with that facility, if the extended part represents a construction and functional unit together with the facility next to which it is being extended,

5) marking the facility implies transfer of external form of the designed facility onto the terrain within a building plot, i.e. transfer of characteristic points of cross sections of the route for the line infrastructure facilities,

6) upgrading is the construction of one or more floors on an existing facility, resulting in additional space,

7) maintenance of the facility implies the monitoring of the condition of the facility and the execution of works necessary for the safety and health of people, preservation of significant technical characteristics and other conditions stipulated for the constructed facility, as well as the execution of works of rehabilitation, that have no effect on the dimensions, the construction system, the external outlook of the facility, environment protection, and that do not change the conditions on the basis of which the facility had been constructed and for which it is not necessary to obtain a site permit or a building permit,
8) preparatory works are works on the preparation of the construction site, i.e. activities in connection with the positioning of the fence, execution of works and construction of auxiliary facilities of temporary character that are being executed for the requirements of organizing the construction site and applying the adequate technology of construction, preparing the adequate space for warehousing construction material, and organizing transport communications within the construction site,

9) changing the purpose is the execution of construction works (including construction and craft and installation works) that change the purpose provided for in the building permit on the basis of which the facility had been constructed,

10) reconstruction is the execution of construction and other works with the purpose of changing the purpose, as well as works of rehabilitation on an existing facility that change the construction elements which may have an effect on the stability of the facility or its individual parts, new installations or equipment are being installed, technological processes or the external outlook of the facility are being changed, and conditions provided for in the building permit on the basis of which the facility had been constructed are being amended, and

11) rehabilitation is the execution of construction and other works on a damaged facility (if the damage had occurred as a consequence of age of the facility or as a consequence of accidents and disasters that are natural or caused by human activity), with which the facility is again brought into the condition it was in before the damage occurred,

y) an auditor is a physical person with adequate professional qualifications and a licence for auditing a part of technical documentation,

z) a complex facility is any facility for which the Ministry for Physical Planning, Civil Engineering and Ecology (hereinafter: the Ministry) shall issue the site permit; infrastructural facilities for which general interest has been determined; facilities that are complex in the technical-technological sense and functional sense and facilities that may pose a threat on the environment, natural values and cultural and historical wealth,

aa) the technical system of a building is the technical equipment of the building or an independent utilization unit in a building that is used for heating, cooling, ventilation, hot water preparation, lighting, or any combination thereof,

bb) removal of the facility shall be the demolition or the disassembly of a facility or its part, disposal of the waste material created in the course of demolition, the material found, the equipment and other elements and bringing the construction site or its part into the regular condition, and is performed because of physical dilapidation or major damage occurred as a consequence of accidents and disasters that are natural or caused by human activity, or due to the construction of a new facility in compliance with the operational plan,

cc) the total height of the facility is the height that is measured from the finally levelled terrain on its lowest part along the facade of the facility up to the highest point of the roof (ridge),

dd) the facade of the building represents the set of unified elements of the building that separate the internal part of the building from the external part, and

ee) the certificate on energy related characteristics of the building (hereinafter: the energy certificate) is the certificate issued by the authorised legal person, and which is presenting the energy related characteristics of the building or the independent utilization unit of the building, calculated in compliance with regulations on energy efficiency.

**Article 3**

(1) Construction of cities, settlements and facilities shall be planned in spatial development documents adopted in compliance with provisions of this Law.

(2) The construction of cities and settlements of urban character on urban construction land and settlements on other construction land shall be performed in compliance with the urban development plan and operational spatial development documents or spatial development
documents of higher order, until the adoption of the urban development plan and operational spatial development documents, if their adoption is stipulated in the urban development plan and is considered a matter of general interest.

Article 4

(1) A facility shall have to be designed and constructed in such a manner that achieves the safety of the facility in its entirety, as well as in each of its parts, individually.

(2) The safety of the facility, in the context of this Law, is the capacity of the facility to withstand all the envisaged activities that appear in the course of construction and utilization, and to retain all necessary technical characteristics in the course of the envisaged useful life, which are as follows:

a) mechanical resilience of materials and stability of the facility, and preventive measures of earthquake protection that reduce seismic risk and provide aseismic designing and construction in order to prevent:
   1) demolition of the entire building or any part thereof,
   2) large deformations on a level that cannot be allowed,
   3) damages to other parts of the facility, installations, or installed equipment due to large deformations of the bearing structures, and
   4) damages caused by the utilization of the facility at the extent that is not in proportion to the direct cause,

b) safety in case of a fire, which implies that the facility should be designed and constructed to that in the case of a fire breaking out, the following have to apply:
   1) ensured bearing capacity of the facility structure in the course of a certain period,
   2) limited levels of generation and expansion of fire and smoke in the facility,
   3) limited expansion of the fire to neighbouring facilities,
   4) ensured possibility for the users of the facility to leave the facility safely or to be rescued in another manner, and
   5) care taken of the safety of the rescuing crews,

c) protection of lives and health, which implies that, during the cycle of utilization of the facility, there shall not be any threats to the hygiene, health and safety of users of the facility or neighbours,

d) accessibility, which ensured unimpeded access to all parts of the facility,

(3) Construction and utilization of the facility must not pose a threat on the safety of other facilities, stability of the surrounding land, transport areas, utility and other installations.

(4) Technical characteristics of significance for the facility and the construction products that are built into the facility shall be stipulated by regulations and other technical regulations adopted on the grounds of this Law, other laws and upon the application of stipulated standards.
(5) The regulations and other technical regulations referred to in Section 4 of this Article shall be adopted by the minister in charge of the tasks of spatial development and construction (hereinafter: the Minister).

Article 5

(1) Any new building, depending on the type and the purpose, shall have to be designed, constructed and maintained in a manner that shall ensure that it shall have the stipulated energy related characteristics throughout its utilization.

(2) In the course of planning, designing and construction of new buildings, as well as in the course of major reconstructions of existing buildings, it shall be obligatory to apply long-term measures, as minimal requirements that relate to reducing energy consumption and transfer to using energy from renewable sources, which shall create the preconditions necessary for energy efficient utilization of buildings, improvement of energy related characteristics of buildings, and reduction of environmental impacts, in accordance with the rules and the deadlines stipulated by this Law and regulations on energy efficiency and environment protection in Republic of Srpska (hereinafter: the Republic).

Article 6

The provisions of the law governing general administrative procedure shall apply to the procedures governed by the terms of this Law, unless it is stipulated differently by the provisions of this Law.

Article 7

Records on issued building permits and certificates of occupancy shall be maintained in the process of their issuance, and the buildings constructed on the basis of these permits shall be registered into public records in accordance with the provisions of this Law and other regulations.

Article 8

(1) Making of the spatial development documents, making, audit and validation of the technical documentation, construction and oversight over the construction, and issuance of the building energy certificate may, under the conditions stipulated under this Law, be performed by natural persons and legal entities only if they hold the appropriate licence for it.

(2) The licence from Section 1 of this Article shall be issued to the natural person by the Minister, upon proposal of the committee following the submitted application, only if the natural person:
   a) has the appropriate qualifications,
   b) had passed the professional examination under the provisions of this Law,
   c) has the necessary work experience and references in the field of qualifications and the type of work for which the licence is being issued,
   d) has the proof of payment of the fee stipulated for the costs of issuance of the licence, and
   e) meets other separate conditions stipulated under the provisions of this Law and the by-laws adopted on the basis thereof.

(3) If they meet the conditions stipulated by Section 2 of this Article for each individual licence, the natural person may obtain licences for:
   a) making of spatial development documents,
   b) making of a part of the technical documentation,
(c) audit of a part of the technical documentation,
(d) building construction and oversight over the construction, and
(e) performance of the building energy audit.

(4) The licence from Section 1 of this Article shall be issued to the legal entity by the Minister, upon proposal of the committee following the submitted application, if the legal entity is registered in the court registry for that type of work, and has:
   a) the appropriate professional results in the field for which it is applying for the licence,
   b) the appropriate technical and technological equipment,
   c) the stipulated number of expert natural persons with appropriate licences employed full-time,
   d) the stipulated number of qualified workers in permanent employment,
   e) the proof of payment of the fee stipulated for the costs of issuance of the licence, and
   f) the proof of fulfilment of other separate conditions stipulated under the provisions of this Law and the regulations adopted on the basis thereof.

(5) A natural person who is the holder of a license for construction works in a legal entity can not be the holder of a license for the activities referred to in Section 3. Subsections (a), (b) and (c) of this Article, nor can natural persons with a license for the activities referred to in Section 3 above be holders of licenses for construction works, but they can be engaged in that legal entity for all activities for which they have the licenses.

(6) The licensed natural person shall certify his participation in the making of the spatial development documents, making, audit and validation of the technical documentation, construction and oversight over the construction, and issuance of the building energy certificate by virtue of signature and personal stamp in the manner and under the conditions stipulated under this Law and the by-laws adopted on the basis thereof.

(7) Licences from Section 1 of this Article shall be issued by the Minister upon proposal of the committee that shall determine fulfilment of the conditions for issuance of an appropriate licence stipulated under this Law and the by-laws adopted on the basis thereof.

(8) The Government of Republic of Srpska (hereinafter: the Government) shall determine amounts of fees for the costs of issuance of the licences to natural persons and legal entities through a regulation.

Article 9

(1) The professional examination, which is taken under the provisions of this Law, shall test the knowledge of the applicable regulations of the Republic from the field which is governed by this Law, as well as other regulations of significance for application of this Law (hereinafter: the professional examination).

(2) The professional examination shall be taken in front of the committee appointed by the Minister.

(3) The professional examination may be taken by a person who:
   a) has the appropriate qualifications,
   b) has passed the apprenticeship examination and has at least one year of work experience,
   and
   c) has paid the fee stipulated for the costs of the examination.

(4) The Regulation on the conditions and manner of passing of the professional examination shall be adopted by the Minister.

(5) The Regulation from Section 4 of this Article shall stipulate:
   a) the areas for which the examination is being taken,
   b) the requirement for passing and manner of taking of the professional examination,
   c) the program of the professional examination,
   d) the composition and manner of work of the committee,
   e) the contents and form of the decisions on the passed professional examination and
f) managing of the registry of persons who have passed the professional examinations and publication of the registry on the Ministry’s web page.

(6) The amount of the fee for taking of the professional examination and the amount of the remuneration for members of the committees shall be stipulated by virtue of Government regulation.

II SPATIAL PLANNING

1. Spatial planning system

Article 10

Spatial planning shall be an integral part of the single system of development planning and programming and shall represent an obligatory and continuous activity of the Republic and all units of local self-governance, and covers a constant and multidisciplinary process that is performed on the basis of studying the natural, and in particular seismic, demographic, economic, social, technical and other conditions that ensure functional and rational organization and utilization of available space, goods in general use, natural resources, material, cultural and ecological values, rational utilization of energy, protection and improvement of the environment, as well as harmonization of interests of all users of physical space.

1.1. Principles of spatial planning, spatial and planning development

Article 11

Spatial planning shall be based on the following principles:

a) protection of physical space in line with the principles of sustainable development,
b) integrated planning that unifies all developmental factors of significance, taking into account the pace of needs and changes in physical space and resolution of conflicts of interest in physical space through the harmonization of functional, aesthetic, energy related, economic and other criteria in planning, designing and construction of facilities,
c) harmonization of natural values with human activity (utilization of renewable energy sources, construction of energy efficient facilities, correct selection of locations and inclusion of bio-climatic factors, taking into account climate changes, protection from natural disasters and technical malfunctions, etc.),
d) environment protection,
e) protection of cultural and natural heritage,
f) harmonization of principles resulting from the preceding phases of development by analysing the condition of constructed space,
g) taking into account the needs of children and persons with reduced physical capacities,
h) harmonization of interests of users of physical space and priorities of acting in the interest of the Republic and units of local self-governance,
i) harmonization of private and public interests,
j) uniform economic, social and cultural development of the Republic with due respect and development of physical space relating specificities of regions and units of local self-governance,
k) harmonization of spatial development documents of the Republic and of the Federation of BiH,
l) harmonization of the spatial development documents of the Republic with spatial development of neighbouring states,
m) transparency and free access to data and documents of significance for spatial
n) development, and establishment of the single information management system on physical space of the Republic, for the purposes of planning, land utilization and protection of physical space of the Republic.

Article 12

Spatial development shall comprise the following:

a) research, testing and assessment of options for sustainable development within the physical space of the Republic,
b) protective measures and the method of managing physical space,
c) production of spatial development documents, and
d) enforcement and control over the enforcement of spatial development documents.

Article 13

Planned development of physical space shall comprise the following:

a) construction and development of settlements and surrounding spaces,
b) utilization and protection of natural and constructed resources, and
c) construction of other facilities in compliance with spatial development documents and other conditions stipulated by this Law.

Article 14

(1) Planned construction shall create favourable conditions for living, working and health of humans, long-term management of natural wealth, because of which the following shall be determined within physical space:

a) construction land,
b) agricultural land (as a resource) and agricultural areas (spatial units of agricultural and water management capacities),
c) forest land and forest areas,
d) waters (surface waters, subterranean waters, and water land),
e) hunting and fishing areas,
f) exploitation fields for mineral raw materials,
g) industrial production zones (spatial units for manufacturing and industrial capacities which, in addition to manufacturing and industrial capacities, also cover installations for integrated prevention and control of pollution and plants for water treatment, mining, and warehousing),
h) tourist, spa, climatic, sports and recreational and other similar areas,
i) areas with characteristic flora and fauna,
j) protected areas,
k) infrastructural corridors, network of corridors, and infrastructural nodes,
l) significant zones and locations,
m) infertile grounds and other land that shall be constructed upon only in special circumstances,
n) zones of natural risks (seismic risk areas, landslides, floodplains, etc.).
o) locations for monitoring the condition of the environment, and
p) zones under threat.

(2) Land areas referred to in Section 1 of this Article shall be determined on the grounds of this Law, special laws and spatial development documents.

1.2. Urban area, narrow urban area, special purpose area and settlements of temporary character

Article 15

In order to direct construction, spatial development or urban development plan shall determine urban areas, narrow urban areas and special purpose areas.

Article 16

(1) An urban area shall be determined for one or more settlements that represent a spatially functional urban unit or a spatially and functionally inter-connected unit, and which, on the basis of the planning assumptions, meet the conditions for further development.

(2) An urban area shall cover constructed and undeveloped areas intended for residential purposes, work and rest, urban equipment and infrastructure, as well as areas for special purposes and green areas, in addition to areas reserved for future development.

(3) Urban areas shall, in addition to construction land, also cover other land areas.

Article 17

(1) A narrow urban area shall be determined in the presence of the necessity to determine special conditions for construction in centres or intensively constructed parts of urban areas.

(2) A narrow urban area shall cover the part of the settlement that is intensively constructed or for which it is envisaged by the plan that it would be so constructed and shall be formed for the purpose of determining special conditions in the course of issuance of a building permit.

Article 18

An area of special purpose shall be determined for the following:

a) immovable cultural and historic wealth of great and extraordinary significance, as well as their concentrations,
b) national parks and other natural wealth of Republic significance,
c) sources and reservoirs of subterranean waters, basins of waterways and accumulation lakes, water management and energy systems, areas of water springs and accumulation lakes for water supply and devices for water processing, with broader protective zones etc,
d) tourist, spa, climatic, sports and recreational and other similar areas,
e) areas of great surface based exploitation of mineral raw materials,
f) infrastructural corridors, corridor networks, infrastructural nodes with supporting complementary areas and facilities, zones and other functional units,
g) complex facilities referred to in Article 2, Section 2, Subsection x) of this Law,
h) areas under threat,
i) areas and facilities of significance for defence, and
j) other areas determined in higher ranked plans.
Article 19

(1) In the course of construction of complex infrastructural, industrial and similar facilities, as well as for the purpose of removing the consequences of natural disasters, war related damages, etc., settlements of temporary character may be constructed, comprising of facilities of prefabricated type.

(2) A temporary settlement in the context of Section 1 of this Article shall be planned and constructed in such a manner that, upon the expiry of the circumstances that had required its construction, it shall be removed, and the physical space shall be reinstated in its initial condition.

1.3. Areas and corridors reserved for future development, protective infrastructural belts and protective zones

Article 20

(1) Spatial development documents shall determine all zones and locations of significance in which it shall not be allowed to construct, until the conditions for utilization are met in a certain future planning period.

(2) Spatial development documents shall determine all zones and locations of significance for which the plan shall stipulate permanent protection without the possibility of construction (landscapes of special value, banks and other characteristic and valuable areas).

(3) Strategic spatial development documents shall determine areas and corridors reserved for future development, in which it shall not be allowed to construct until the production of a corresponding operational spatial development document.

(4) On defined areas from Sections 2 and 3 of this Article it shall only be possible to approve construction with the purpose of maintenance and ensuring basic hygienic conditions for already existing facilities.

(5) Intended use of defined areas from Sections 2 and 3 of this Article does not have to be determined in more detail, and the following temporary purposes may be approved: green and recreational areas, playgrounds, vehicle parking places, open markets, performance of agricultural activities and other similar purposes.

(6) For roads and other facilities of linear infrastructure, which are not constructed at the time of drafting the plan, as well as for such existing facilities for which the plan stipulated that they should be reconstructed, the plan shall determine sufficient space (corridor) for their construction, i.e. reconstruction.

(7) The width of the corridor referred to in Section 6 of this Article shall be planned in such a manner that within it, in view of the natural and other limitations in the field and required technical characteristics of the planned infrastructural facility, that facility may be designed and constructed, i.e. reconstructed, with all its parts and elements.

Article 21

(1) Protective infrastructural belts along infrastructural routes and facilities shall be formed and regulated in order to ensure unimpeded functioning of infrastructural systems and facilities for the function for which they are intended.

(2) Protective infrastructural belts are the following:
   a) protective road belt,
   b) protective rail belt,
   c) protective airport belt,
   d) protective transmission line, i.e. gas pipeline belt,
e) protective zone or belt for radio plants or connections,
f) protective zone for water sources, waterways and water management facilities,
g) protective belt for hospital and educational complexes, and
h) protective belt for spaces under threat (explosive and easily inflammable substances and liquids),
i) protective zones for complex facilities referred to in Article 2, Section 2, Subsection u) of this Law, and
j) protective zones for areas of special purpose referred to in Article 18 of this Law.
(3) In the case referred to in Article 20, Section 6 of this Law, the stipulated protective infrastructural belts and zones shall not be included in the space of the corridor, but shall instead be positioned outside of the corridor, on both sides along both its edges.
(4) The width of the protective belt shall be determined in more detail in a special Law.
(5) In the area covered by the protective infrastructural belt new facilities cannot be built and construction and other works cannot be performed in contrast with the purpose due to which the protective belt was established.

2. Spatial planning system organization and authority

Article 22

(1) The Government and the National Assembly of Republic of Srpska, as well as assemblies of units of local self-governance, shall be in charge of spatial planning in the Republic, and the planning shall be performed by adopting spatial development documents and other documents and regulations stipulated by this Law.

(2) The Ministry and institutions of units of local self-governance shall be in charge of performing the activities of spatial development, as the institutions responsible for the preparation of spatial development documents, and legal and physical persons holding the corresponding licences for the production of those documents, shall be in charge of the professional merits of documents referred to in Section 1 of this Article.

Article 23

The Ministry shall be in charge of the preparation of spatial development documents of significance for the Republic, as well as for their implementation, while the institutions of units of local self-governance that perform the tasks of spatial development shall be in charge of the preparation and implementation of spatial development documents of significance for the unit of local self-governance.

Article 24

(1) For the requirements of the production of spatial development documents, upon a request of the Ministry or the unit of local self-governance, the Republic administrative institution in charge of cadastre and surveying tasks shall be under obligation to deliver the existing copies of the topographic and cadastral plan with data on possession and ownership, digital records, cadastre of subterranean installations, geodetic bases, and ortophoto records, within the deadline of 30 days from the date of submitting the request.

(2) For the requirement of the production of spatial development documents, upon a request of the Ministry, legal entities that possess the data required for producing the spatial development document shall provide all the requested data within 30 days from the date of submitting the request.

(3) The facilities referred to in Sections 1 and 2 of this Article shall provide the requested data free of charge.
3. Spatial development documents

3.1. Types of spatial development documents and spatial development documents whose adoption is obligatory

**Article 25**

(1) Spatial development documents shall stipulate the organization, the purpose and the method of utilization and management of physical space, as well as the criteria and guidelines for the development and protection of physical space of the Republic.

(2) Spatial development documents may be strategic and operational.

(3) Strategic spatial development documents shall be the following:
   a) Spatial plan of Republic of Srpska,
   b) Spatial plan for areas of special purpose of Republic of Srpska,
   c) joint spatial plan for territories of two or more units of local self-governance,
   d) spatial plan of an unit of local self-governance, and
   e) urban development plan.

(4) Operational Spatial development documents shall be the following:
   a) the zoning plan,
   b) the zoning plan for areas of special purpose,
   c) a regulatory plan,
   d) an urban development project, and
   e) a parcellation plan.

(5) Spatial and urban development plans shall be developmental, strategic, long-term spatial development documents defining the basic objectives and principles of development in physical space.

(6) Strategic spatial development documents shall be adopted for the planning period of up to 20 years.

(7) A strategic spatial development document shall be valid until the expiry of the planning period for which it was adopted, and following performance of analysis within the planning deadline referred to in Section 6 of this Article by the preparation entity, it may be extended by a decision of the institution in charge of its adoption, for another ten years, at most.

(8) Operational spatial development documents shall be technical and regulatory spatial development documents on the basis of which the conditions for designing and execution of facilities shall be defined.

(9) An operational spatial development document shall concern a planning period of up to ten years, and shall be valid until its amendment or adoption of a new one, unless it is in contravention with a spatial development document of a higher order.

(10) The planning period for which a spatial development document shall be adopted shall be defined by the decision on preparation or amendment or supplement to the spatial planning document.

**Article 26**

Spatial development documents whose adoption is obligatory for individual areas under the conditions stipulated by this Law shall be the following:

- a) for the territory of the Republic:
  1) Spatial plan of Republic of Srpska,
  2) Spatial plan for areas of special purpose of Republic of Srpska,
  3) the zoning plan for areas of special purpose of Republic of Srpska – areas of special purpose of Republic significance, according to special decisions of the Government,
4) the parcellation plan – for areas along highways, trunk and regional roads or other facilities of linear public infrastructure,
b) for the territory of a unit of local self-governance:
   1) spatial plan of the unit of local self-governance,
   2) the zoning plan for areas of special purpose of the unit of local self-governance,
   3) urban development plan – for cities and settlements of urban character,
   4) the zoning plan – for physical space units, i.e. individual zones within the urban area of the unit of local self-governance, if that is envisaged by the urban development plan,
   5) the regulatory plan – for mostly constructed urban areas and for areas of general interest of the unit of local self-governance, if that is envisaged by the urban development plan,
   6) the urban development project – for areas that are constructed as single units or are already constructed to a significant extent, for areas where the need appears for forming a group of facilities, i.e. architectural and urban development complexes, for areas of special cultural and historic significance, for areas with special natural significance, as well as for other areas, if that is stipulated in a document of a higher rank or for a broader area, and
   7) the parcellation plan – for contact zones of cities and centres of units of local self-governance that are in the process of large territorial expansion and suburban villages in the process of transformation and facilities of linear utility infrastructure.

3.2. Obligations of participants in production of spatial development documents and mutual harmonization of spatial development documents

Article 27

(1) All entities participating in the production of spatial development documents referred to in Article 25 of this Law shall be under obligation to:
   a) take care of public interests,
   b) take care of general and special objectives of spatial development,
   c) take care of the ownership status of the land and interests of owners of the land,
   d) ensure coordination of sectoral policies,
   e) harmonize individual interests with the public interest,
   f) involve the necessary measures for protecting the inhabitants and tangible goods from natural and other disasters, taking particular care of using detailed seismic parameters and maps,
   g) involve necessary measures for the protection of children and persons with reduced physical capacities,
   h) review the environmental impact assessment, and
   i) facilitate the testing of justification, harmonization, and feasibility of spatial solutions planned.

(2) Spatial development documents shall be produced on the grounds of this Law and other laws.

(3) Institutions in charge of producing spatial development documents shall be under obligation to apply general rules of urban development and parcellation in the course of the procedure of their production.

(4) Prior to initiating the drafting of a proposal for an operational spatial development document, the institution in charge of the drafting shall submit the draft document to the proponent in order to obtain the strategic environmental impact assessment, if, according to the criteria stipulated in the special environmental protection regulation, it determines that there is a possibility of significant environmental impacts.

(5) The Minister shall adopt the by-laws governing in more detail the spatial development document contents and general rules of urban development regulation referred to in Section 3 of this Article, which are as follows:
a) regulation on contents, method of production and adoption of spatial development documents, and
b) regulation on general rules of urban regulation and parcellation.

Article 28

(1) Spatial development documents of lower order, i.e. of narrower scope, shall have to be harmonized with the spatial development document of a higher order, i.e. with a broader area, and documents of neighbouring areas shall have to be mutually harmonized.

(2) If a document of lower order, i.e. narrower area is not harmonized with the document of a broader area, the spatial development document of the higher order, i.e. for the broader area, shall be applied.

(3) The institution in charge of the production of a spatial development document shall ensure the harmonization of documents in the process of their production.

3.3. Spatial plan of Republic of Srpska and spatial plan for areas of special purpose of Republic of Srpska

Article 29

(1) The Spatial Plan of Republic of Srpska shall stipulate long-term objectives and measures of spatial development of the Republic in compliance with overall planned economic, social and cultural-historic development, sector strategies and other developmental documents, and on the basis of developmental significance and priority determined in the process of harmonization of objectives and relativization of the conflict of interest in the development of physical space.

(2) The Spatial Plan of Republic of Srpska shall stipulate the following:
   a) basic principles of planned spatial development,
   b) general concept of development and priorities for development in the categories of space and time,
   c) objectives of spatial development by sectors, groups of sectors and priorities,
   d) organization of physical space: regional units, spatial units, protection, utilization, management and purpose of land, and especially the basic purpose of land in individual areas of the Republic,
   e) areas of economic activity concentration,
   f) connections of urban and rural areas,
   g) the system of settlements and centres,
   h) strengthening the function of settlements in undeveloped areas,
   i) facilities and corridors of primary and other infrastructure, which are of Republic significance (water management, transport connections within BiH and with other countries, energy, telecommunications),
   j) facilities of social infrastructure of Republic significance (health, education, culture, sports etc),
   k) population,
   l) natural factors of development (resource management, utilization, protection),
   m) level of construction in physical space and special areas and facilities,
   n) housing issues, economy, non-economy,
   o) protected spaces and measures of environment protection,
   p) measures for renewal and rehabilitation of devastated space that covers the territory of two or more units of local self-governance,
   r) measures of protection of constructed and natural heritage,
   s) measures of protection of inhabitants and tangible goods from natural and other disasters, and
t) obligations in the process of production of plans of lower order and for narrower areas etc.

(3) Guidelines for the implementation of the plan shall stipulate the institutional and human resource framework for monitoring the implementation of the plan, additional planning of physical space and settlements, obligations of units of local self-governance, management of the process of urbanization, land management, management of other resources, development of information management system for the requirements of physical space planning, development synchronization and construction of space with current short-term and medium-term investment policies, domestic and foreign, legislative initiatives etc.

(4) Graphical part of the plan shall consist of all the maps of the planned solution stipulated by the Regulation referred to in Article 27, Section 5, Subsection a) of this Law.

(5) The maps of current condition form constituent part of the documentation baseline of the plan.

Article 30

(1) The spatial plan for areas of special purpose of Republic of Srpska shall be adopted as mandatory for national parks and other areas, if that is stipulated by a document of a higher order or for a broader area.

(2) The spatial plan for areas of special purpose of Republic of Srpska shall stipulate priority objectives in the categories of space and time, and on the basis of performed harmonization of precisely identified conflicting and potentially conflicting objectives.

(3) The spatial plan for areas of special purpose of Republic of Srpska shall stipulate the following:
   a) protective belts and zones, as well as impact zones for the area,
   b) special areas and facilities, zones and locations of significance, natural risk zones, locations for monitoring the conditions of the environment, protected facilities,
   c) general concept of development of physical space, organization of physical space (system of settlements and centres, zones, system of necessary infrastructure, natural conditions with measures for protection, preservation and activation of natural resources),
   d) measures for protection of natural and anthropogenically valuable spaces, and
   e) measures for improvement and protection of the environment etc.

(4) The spatial plan for areas of special purpose of Republic of Srpska shall ensure sustainable economy for the indigenous population.

(5) In the zones, i.e. locations in which fast development is not expected, the regime of temporary land utilization shall be established, and that implies the construction of facilities of temporary character (weekend houses, weekend settlement, stores, roadhouses etc), without an option for land parcelisation within the zone.

(6) If the spatial plan for areas of special purpose of Republic of Srpska stipulates the zones of construction in which fast realization of planned solutions is planned, those zones shall be detailed at the level of the operational planning enactment with elements necessary for the issuance of the site permit.

(7) Guidelines for implementation of the plan shall stipulate the following:
   a) institutional and human resource framework for monitoring the implementation of the plan,
   b) the necessity of plans of lower order for the development of settlements, zones, locations etc.,
   c) territorial and functional priorities, obligations of persons managing the national park and obligations of units of local self-governance,
   d) management of land, other resources and construction,
   e) synchronization of development and construction (Republic – local self-governance units – investors – other persons) etc.
(8) Graphical part of the plan shall consist of all the maps of the planned solution stipulated by the Regulation referred to in Article 27, Section 5, Subsection a) of this Law.

(9) The maps of current condition form constituent part of the documentation baseline of the plan.

3.4. Spatial plan of units of local self-governance, joint spatial plan for two or more units of local self-governance, and urban development plan

Article 31

(1) The spatial plan of a unit of local self-governance shall take over and elaborate in more detail the planning directions from the Spatial Plan of Republic of Srpska, taking into account the natural and cultural and historic values of the area of the unit of local self-governance.

(2) The spatial plan referred to in Section 1 of this Article shall stipulate the following:
   a) the basic planned purpose of the areas,
   b) network of settlements and centres (of urban and rural character) and their connections,
   c) criteria for expansion of urban parts,
   d) purposes of non-urban areas,
   e) zones of utility infrastructure with directions and corridors for state and utility infrastructure (development of the transport system of the unit of local self-governance or the city transport system, water supply, energy, telecommunications),
   f) facilities of significance for social infrastructure of the unit of local self-governance (health, education, culture, sports),
   g) protected areas with zones of protection and measures for protection (immovable cultural and historic wealth and natural wealth),
   h) environment protection measures,
   i) preventive measures of protection against earthquakes and seismological regionalization,
   j) measures for rehabilitation of areas under threat (landslides, flooded areas, devastated, unstable and other areas), measures for protecting the inhabitants and tangible goods from natural and other disasters,
   k) conditions for construction in areas for which spatial development documents of lower order are not adopted,
   l) zones and settlements with borders of scope for which it is obligatory to produce documents of lower order or for narrower areas,
   m) obligations in the course of production of urban development plans and operational spatial development documents, and
   n) guidelines for implementation of the plan (planning on lower levels, per priorities and other)
   o) other necessary elements.

(3) Graphical part of the plan shall consist of all the maps of the planned solution stipulated by the Regulation referred to in Article 27, Section 5, Subsection a) of this Law.

(4) The maps of current condition form constituent part of the documentation baseline of the plan.

(5) The spatial plan of a unit of local self-governance may contain elements stipulated for operational spatial development documents, and especially for areas in which fast development is planned.

Article 32

(1) The joint spatial plan for the territories of two or more units of local self-governance shall be adopted for the territories of those units of local self-governance and shall define long-term
objectives of spatial planning and development of those areas, in compliance with the Spatial Plan of Republic of Srpska.

(2) The procedure of production and the contents of the joint spatial plan for the territories of two or more units of local self-governance shall be the same as the procedure of production and the contents of a spatial plan for one unit of local self-governance.

(3) The joint spatial plan that shall be adopted for units of local self-governance that are, pursuant to the regulations that regulate in more detail the territorial organization of the Republic, divided and that are, both territorially and from the perspective of the population, with reduced significance and functions, shall, in addition to the contents stipulated for the spatial plan of a unit of self-governance, also contain the project for functional merger of parts of those units of local self-governance to units of local self-governance with demographic and functional capacity.

Article 33

(1) An urban development plan shall be adopted for the urban area of the unit of self-governance on the basis of the spatial plan of the unit of self-governance.

(2) The urban development plan shall elaborate in more detail the directions from the spatial plan of the unit of self-governance:
   a) the concept of space development (forming the zones, units and sub-units, determining purposes and other); borders of the narrower and the broader urban zone (if necessary),
   b) borders of other pieces of land within the scope of the plan and contact zones,
   c) criteria for forming zones (units and sub-units), urban development and other conditions for the development of urban construction land and other pieces of land by units,
   d) natural conditions (morphologic, hydrologic, engineering and geologic, seismologic, climatic and other, including measures for protection, preservation and activation of natural resources),
   e) land policy,
   f) distribution and concept for general centres and deployment of public functions, working zones and facilities of non-economy and recreation centres,
   g) measures for protection of cultural and historical heritage, natural heritage and environment protection,
   h) system of green spaces (conditions, possibility, needs and objectives of development),
   i) measures for protection of humans and goods in the case of natural disasters, war related catastrophes and technological accidents,
   j) solutions for transport, water, energy, utility and other infrastructure,
   k) criteria and rules for development, utilization and construction of all types of planned facilities and zones, i.e. purposes, and
   l) conditions for implementation of the plan through spatial development documents of a lower order by territories, priority and other conditions.

(3) The graphical part of the urban development plan shall comprise all the maps of the current condition and maps of the planned solution stipulated by the regulation referred to in Article 27, Section 5, Subsection a) of this Law.

3.5. Operational spatial development documents

Article 34

(1) Zoning plan is an implementation document of spatial planning adopted for spatial units, sub-units, that is individual zones within an urban area of a local self-government unit, for which this is foreseen by town-planning or other plan of higher order or wider area and it must be in accordance with that plan.
(2) The zoning plan shall elaborate in more detail the directions from the spatial development plan stipulating adopting of the zoning plan.

(3) The zoning plan shall define the basic purpose of a certain physical space, i.e. zone, and shall provide the list of compatible purposes for that zone.

(4) Changes to the purpose of the zone, i.e. changes to the purpose of facilities in the process of issuance of site permits shall be performed in compliance with compatible purposes referred to in Section 3 of this Article.

(5) Urban planning conditions (standards) for construction and development of physical space shall be determined by zone, and those are the following:
   a) allowed purposes and purposes that should be dislocated,
   b) minimum and maximum size of a parcel,
   c) potential re-parcellation in order to interpolate new facilities,
   d) conditions for interpolating new facilities,
   e) parameters of land utilization (coefficients of the level of construction, coefficients of utilization),
   f) conditions for street regulation,
   g) conditions for protection against fire,
   h) obligations to comply with the bio-climatic characteristics of the location,
   i) position of the facility on the parcel with construction and regulation lines,
   j) conditions for parcel development,
   k) number of floors for facilities determined by height points,
   l) possibility of extension and upgrading of facilities,
   m) types of facilities,
   n) conditions for equipment with all types of infrastructure, including the conditions for connections at the extent sufficient to serve as the basis for the issuance of the site permit,
   o) development of public areas and land,
   p) conditions for landscape development,
   q) conditions for preservation, protection and presentations of cultural and historic heritage, natural heritage and conditions for construction in zones of protection,
   r) conditions for protection, preservation, development and activation of natural resources,
   s) natural conditions for construction (relief, hydrography, geology, hydro-geology, engineering geology, seismic properties, climate etc),
   t) conditions for the protection of people and goods in case of natural disasters, war related catastrophes, and technological accidents,
   u) energy efficiency measures,
   v) conditions for removal of obstacles for the movement of children and persons with reduced physical capacities,
   w) conditions for protecting the environment from harmful effects (vibrations, noise, gases etc), and
   x) conditions for low rise facilities in compliance with special regulations and other conditions resulting from specific characteristics of physical space and planned contents.

(6) The zoning plan shall also contain marked evaluated zones of historic urban landscapes for which the following shall be determined:
   areas of prohibition of construction of new facilities,
   new purposes (servicing, tourist etc) that may contribute to sustainability and quality of community life and, at the same time, to the preservation of cultural and historical, and natural heritage, and
   obligation to produce a regulatory plan or an urban development plan for the zones, areas or locations within the scope of the zones of historic urban landscapes.

(7) The graphical part of the zoning plan shall comprise all the maps of the current condition and maps of the planned solution stipulated by the regulation referred to in Article 27, Section 6, Subsection a) of this Law.
(8) For areas of special purpose, a zoning plan for areas of special purpose shall be adopted, and it shall, in addition to the contents stipulated for the zoning plan, also contain elements of strategic spatial development documents in compliance with the regulation referred to in Article 27, Section 6, Subsection a) of this Law.

Article 35

(1) A regulatory plan shall be adopted for mostly constructed urban areas on the basis of the urban development plan, as well as for areas of general interest of the unit of local self-governance for the development of economy or the construction of facilities of social infrastructure, on the basis of the urban development plan or a document of higher order or with a broader area, at which time it shall be necessary to define in detail the conditions for designing and construction of new facilities, as well as for reconstruction of existing ones.

(2) A regulatory plan shall determine urban development conditions (standards) for physical space construction and development, by parts of physical space, i.e. units and sub-units, and those shall be the following:
   a) purpose of the areas,
   b) division of physical space into zones, units and sub-units, with an explanation of all significant criteria for the division (typology of spatial units),
   c) selection of types, i.e. forms of regulation and levelling solutions,
   d) determination of construction lines,
   e) a proposal for changing, i.e. improving the parcellation or re-parcellation in accordance with ownership over land,
   f) determination of threshold parameters for utilization, i.e. rational utilization of land (coefficient of the level of construction and the coefficient of utilization, number of floors in the facility etc), determination of the part of inherited funds for changes, extensions, upgrading and other, with an explanation,
   g) ensuring public and general interests in the functioning of physical space: transport areas, green and recreational areas, space for development of economy and services, for development of facilities of non-economy, i.e. social services and other,
   h) conditions for equipment with all types of infrastructure, including the conditions for connections at the extent sufficient to serve as the basis for the issuance of the site permit,
   i) forming the urban development and technical conditions for construction, extension, or upgrading of facilities in accordance with the types of parcellation, regulation, and parameters for land utilization,
   j) conditions for protection, preservation, development and activation of natural resources,
   k) natural conditions for construction (relief, hydrography, geology, hydro-geology, engineering geology, seismic properties, climate etc.),
   l) conditions for preservation, protection and presentations of cultural heritage, nature and environment protection,
   m) conditions for the protection of people and goods in case of natural disasters, war related catastrophes, and technological accidents,
   n) energy efficiency measures,
   o) conditions for removal of obstacles for the movement of persons with reduced physical capacities,
   p) determination of zones, parts of zones, groups of locations, or individual locations for which it is obligatory to produce an urban development project, i.e. to announce a tender for the production of that designing,
   r) economic evaluation of the plan, and
   s) other issues resulting from the character of the given area, i.e. the degree of its construction.

(3) The regulatory plan for zones of historic urban landscapes shall determine the following:
a) areas of prohibition of construction of new facilities,
b) sensitive areas that require careful planning, designing and construction pending the approval of the competent institution for protection,
c) areas for development in which it shall be allowed to construct new facilities,
d) obligation to produce an urban development project for sensitive areas and areas for development, and
e) guidelines provided for designing and construction that would retain the historic urban landscape in a sustainable manner.

(4) The graphical part of the regulatory plan shall comprise all the maps of the current condition and maps of the planned solution stipulated by the regulation referred to in Article 27, Section 5, Subsection a) of this Law.

Article 36

(1) An urban development project shall be adopted on the basis of the regulatory plan or a document of higher order or with a broader area, for the following:
a) areas that are constructed as a unit or that are already constructed to a significant extent,
b) areas in which the necessity of forming a number of new parcels has appeared,
c) areas in which the necessity has appeared for constructing a group of facilities, i.e. architectural and urban development complexes, and
d) areas that have special cultural and historic significance, natural significance and others.

(2) The urban development plan shall define concept urban development and architectural solutions for the planned facility, i.e. architectural and urban development complex, with detailed conditions for designing and construction of new facilities, as well as for reconstruction of existing ones.

(3) The urban development plan shall contain the following:
a) explanation for the purpose of areas,
b) explanation for the purpose of facilities, spatial organization,
c) data on transport, energy related, hydro-technical, telecommunication and other infrastructure, levelling and regulation solutions,
d) data on facilities of landscaping architecture,
e) data on other public areas and spaces,
f) data on utility infrastructure, with conditions of connection at the extent sufficient to serve as the basis for the issuance of the site permit,
g) explanation of concept solutions for planned facilities,
h) concept of materializing the facility (materials, architectural expression, phased approach to construction and other),
i) data on natural characteristics (relief, hydrography, geology, hydro-geology, engineering geology, design seismic parameters based on seismic risk, climate etc), and
j) guidelines for project execution, i.e. realization.

(4) The graphical part of the urban development project shall consist of all the maps of the state and the maps of the planned solution stipulated by the Regulation referred to in Article 27, Section 5, Subsection a) of this Law.

Article 37

(1) A parcellation plan shall be adopted for spatial units for which there is no obligation to adopt a regulatory plan, or an urban development project, and for the following:
a) contact zones of cities and centres of units of local self-governance that are in the process of a large territorial expansion,
b) suburban villages in transformation,
c) areas along highways, primary and regional roads, and
d) other facilities of linear infrastructure.

(2) The parcellation plan shall define the concept of physical space organization, procedures of parcellation, criteria for forming the parcels, conditions for utilization and development of parcels, conditions for facility construction etc.

(3) The parcellation plan shall be produced on updated geodetic bases that shall not be older than six month and that shall be certified by an institution in charge of surveying and cadastral affairs and shall contain cadastral markings (old and new survey) for each cadastral particle within the scope of the plan, identified ownership status for each cadastral particle, and area sizes of cadastral particles.

(4) The parcellation plan shall contain the following:
   a) the purpose of areas (the concept of physical space organization),
   b) the concept of parcellation by zones and criteria for forming the parcels in accordance with the type of needs,
   c) minimum and maximum area sizes of building plots,
   d) procedures of parcellation and re-parcellation, separation and appropriation of parcels, corrections of borders of parcels for the requirements of construction, etc.,
   e) conditions for utilization, development, and construction on building plots,
   f) conditions for construction of facilities according to types of facilities,
   g) necessity of public areas and facilities,
   h) necessity of utility equipment and setting the capacity of infrastructure, including the conditions for connection at the extent sufficient to serve as the basis for the issuance of the site permit, and
   i) natural characteristics (relief, hydrography, geology, hydro-geology, engineering geology, seismic properties, climate and other characteristics), and other.

(5) The graphical part of the parcellation plan shall consist of all the maps stipulated by the Regulation referred to in Article 27, Section 5, Subsection a) of this Law.

(6) The parcellation plan that shall be produced for areas and zones along primary and regional roads shall represent a special type of the parcellation plan.

(7) In the course of production of the parcellation plan referred to in Section 6 of this Article it shall, in addition to the method of production and the content defined for the parcellation plan, also be necessary to comply with special rules, as follows:
   a) the right to connection to the primary or regional road shall only apply to parcels on which facilities are located that are directly in the function of the road, such as: petrol pumps, servicing stations, motels and other facilities that are in the function of the road, in compliance with the special regulation on public roads,
   b) at 60 meters, at the minimum, left and right from the road axes, servicing transport lines shall be constructed to which the parcels, i.e. facilities that are not directly in the function of the road (residential, economic etc), shall have access,
   c) as an exception from Subsection b) of this Section, the distance of a servicing transport line may be smaller, depending on the level of construction on the relief, and the width of the protective belt determined by the special regulation on public roads,
   d) each parcel shall be planned in such a manner to have access to the servicing transport line,
   e) servicing transport lines shall be planned in such a manner to have a connection to the primary, i.e. regional road every three or more kilometres, depending on the density of construction, conditions of the terrain, etc,
   f) detailed conditions for connecting servicing transport lines to the primary, i.e. regional road determined in compliance with the special regulation on public roads, and
   g) protective zones are located between primary, i.e. regional roads and servicing transport lines intended for expansion of transport lines, maintenance of state infrastructure, maintenance of utility (local) infrastructure, and the green belt.
(8) As an exception, if spatial conditions for the enforcement of special rules under Section 7 of this Article are not met, it shall be necessary to plan an alternative solution for servicing transport lines and connections of facilities to highways, primary and regional roads, which shall be in the spirit of positive planning practice.

(9) The zones along highways, primary, and regional roads should be planned on all the levels of spatial development for phased and gradual rehabilitation, so that connections of individual facilities are phased out gradually and that adequate servicing transport lines are planned.

4 Preparation, production and adoption of spatial development documents

4.1 Authority for adoption of spatial development documents, financing of production and adoption of decision on initiating the preparation of spatial development documents

Article 38

(1) The Spatial Plan of Republic of Srpska, the Spatial Plan of Areas of Special Purpose of Republic of Srpska, and operational spatial development documents for areas of Republic significance for which the Government has declared public interest, shall be adopted by the National Assembly of Republic of Srpska.

(2) The spatial plan of a unit of local self-governance, the urban development plan, plans of special areas of a unit of local self-governance and operational spatial development documents of a unit of local self-governance shall be adopted by the assembly of the unit of local self-governance.

(3) The joint spatial plan for more than one unit of local self-governance shall be adopted by a decision of the assembly of each of the units of local self-governance, stipulating that the plan in question would replace the spatial plan of each of those units of local self-governance.

(4) The decision on adoption of the document shall represent an integral part of a spatial development document.

Article 39

(1) The funds for preparation, production, and monitoring of enforcement of spatial development documents shall be ensured from the budget of Republic of Srpska for documents referred to in Article 38, Section 1 of this Law and budgets of units of local self-governance for documents referred to in Article 38, Section 2 of this Law.

(2) A joint spatial plan of two or more units of local self-governance shall be financed by local communities jointly, in proportion with the area size of their territory covered by the plan.

(3) As an exception from Section 1 of this Article, an investor with a special interest for the production of an operational document for an individual area or for the production of a spatial development document for an area of special purpose may finance the production of that spatial development document with its own funds.

(4) The procedure of production and adoption of documents referred to in Section 3 of this Article shall be implemented in the manner stipulated by the provisions of this Law for adoption of spatial development documents.

Article 40

(1) The decision on initiation of the production, i.e. amendment or addenda to a spatial development document shall be adopted by the competent assembly.
(2) If a joint spatial plan is produced for two or more units of local self-governance, the decision referred to in Section 1 of this Article shall be adopted by the assembly of each of those units of local self-governance separately.

(3) The decision referred to in Section 1 of this Article shall contain the following:
   a) the type of the spatial development document, whose production, i.e. amendment or addenda, is being initiated,
   b) borders of the area for which the document is being produced, i.e. amended,
   c) the period for which the planning parameters are being determined, assessed or calculated,
   d) guidelines for production, amendment or addenda of the document,
   e) deadline for production,
   f) contents of the planning enactment,
   g) provisions on public discussion ad public insight,
   h) method of ensuring the funds for production, amendment or addenda of the document,
   i) the institution responsible for the preparation of the production, i.e. amendment or addenda of the spatial development document, and
   j) other elements, depending on the specificities of the area for which the document is being adopted.

(4) The decision on initiation of production of a regulatory plan or an urban development project may stipulate the prohibition of construction for new construction in the space or a part of the space for which the operational spatial development document is being produced, only if the planning period of the existing plan has expired or if it is in contravention with a plan of a higher order, and for the period of three years, at most, from the date of adoption of the decision.

(5) The institution responsible for preparation of the spatial development document shall be under obligation to submit the decision on production, i.e. amendment or addenda of a spatial, urban development, or zoning plan, together with the basic graphical representation of the planning area, to the Ministry, within the deadline of 15 days from the date of adoption of the decision.

(6) The Ministry shall, within 15 days from the date of receiving the decision, provide the institution responsible for preparation with instructions for the production of the spatial development document in order to ensure mutual harmonization of document (if it is necessary).

(7) If the Ministry fails to submit instructions within the deadline referred to in Section 6 of this Article, it shall be concluded that the instructions are not necessary.

(8) The decision on initiating the production, i.e. amendment or addenda of a spatial development document shall be submitted to the competent Republic urban development and construction inspector.

(9) The decision on initiating the production, i.e. amendment or addenda of a spatial development document shall be published in the “Official Gazette of Republic of Srpska”, i.e. official gazette of the unit of local self-governance.

4.2. Institution responsible for preparation of spatial development documents and planning council

Article 41

(1) The Ministry shall be the institution responsible for preparation of spatial development documents whose adoption is within the scope of authority of the National Assembly of Republic of Srpska.

(2) The institution responsible for preparation of spatial development documents adopted by the assembly of a unit of local self-governance shall be the administrative institution in charge of spatial development tasks or another institution or organization designated by the competent assembly in the decision referred to in Article 40 of this Law.
(3) The institution responsible for preparation shall initiate the production of the spatial development document.

(4) If the amendment or the addenda of a spatial development document is initiated by the investor referred to in Article 39, Section 3 of this Law, the competent institution shall be under obligation to decide on the application within the deadline of 60 days from the date of submitting the initiative.

Article 42

(1) The institution responsible for the preparation of a spatial development document shall be under obligation to submit all documentation available to the institution responsible for the production of the spatial development document, and especially the following:

a) decision on initiation of the production, i.e. amendment or addenda of the spatial development document defined in Article 40 of this Law,

b) the spatial development document of a higher order or with a broader area,

c) current operational spatial planning documentation,

d) water management bases for the main basin area,

e) forest management bases,

f) environment protection strategy,

g) plans for development of economy and agriculture,

h) data on geological bases and mineral resources, and

i) updated cadastral and geodetic bases, verified by the authority responsible for the surveying and cadastral affairs.

(2) Following the adoption of the decision referred to in Article 40 of this Law, the institution responsible for preparation shall be under obligation to publish, in at least two public information media, an invitation to interested parties who are owners of real estate within the area covered by the spatial development document to submit, within the deadline of 15 days, their proposals and suggestions for certain planning solutions on the land or on facilities, i.e. facility in their ownership.

(3) The institution responsible for preparation shall designate the institutions and organizations from which it shall be necessary, in the course of producing the spatial development document, to obtain an opinion on proposals for planning solutions, depending on the existing condition and planned purpose of the physical space and facilities within the area covered by the spatial development document, whereas it shall be obligatory to obtain the opinion of organization whose scope of authority covers the following:

a) water supply and waste water disposal,

b) power supply,

c) supply of energy for heating and cooling,

d) telecommunications and postal traffic,

e) management of public roads in the settlement and outside of the settlement,

f) protection of cultural and historic, ad natural heritage,

g) protection against fire,

h) management of municipal waste,

i) environment protection, and

j) management of agricultural land, and

k) seismological activity.

(4) If the institution or organization referred to in Section 3 of this Article fails to submit its opinion within the deadline of 30 days from the date of receiving the application, it shall be concluded that they have given a positive opinion on the proposal.

(5) The institution responsible for preparation of the plan shall be under obligation to forward the received opinions referred to in Section 3 of this Article to the institution responsible for producing the spatial development document.
Article 43

(1) Upon a proposal of the institution responsible for the preparation, the competent assembly shall appoint the planning council for the purposes of overall monitoring of producing the spatial development document, management of public discussion and harmonization of positions and interests, depending on the necessity, scope and type of the document.

(2) The council shall monitor the production of the spatial development document and shall assume professional positions in regards to the issues of general, economic and spatial development of the territorial unit, i.e. area for which the document is being adopted, and shall assume professional positions in regards to the rationality and quality of proposed planning solutions, harmonization of the document with spatial development documents that represent the basis for its production, as well as the harmonization of the document with the provisions of this Law and other regulations based on law.

(3) The planning council referred to in Section 1 of this Article shall be formed within the deadline of 30 days from the date of effectiveness of the decision referred to in Article 40 of this Law on the initiation of the production, i.e. amendment or addenda of the document, for the deadline necessary for adopting the document.

(4) The planning council members shall not be the persons involved in development of the spatial planning document in any way whatsoever.

4.3. Institution responsible for producing spatial development documents, selection of institution responsible for development, and its obligations

Article 44

(1) Producing spatial development documents shall be entrusted to a legal person holding a corresponding licence for performance of those tasks (hereinafter: the institution responsible for production).

(2) The licence for the production of spatial and urban development plans shall be issued by the Minister to a legal person that:
   a) is registered in the court registry,
   b) has corresponding professional results in the tasks of production of that type of plans, and
   c) employs, permanently and with full working hours, in the context of the law governing employment relations, the following:
      1) at least two engineers of architecture, out of which one holds a licence for the production of spatial planning documentation, and the other holds a licence for production of technical documentation,
      2) at least one civil engineer from the area of civil engineering (transport area) and one from the area of hydro-technology, holding licences for the production of spatial planning documentation,
      3) at least one transport engineer holding a licence for the production of spatial and planning documentation,
      4) at least one spatial planner holding a licence for the production of spatial and planning documentation,
      5) at least one electrical engineer holding a licence for the production of spatial and planning documentation,
      6) at least one mechanical engineer holding a licence for the production of spatial planning documentation,
      7) at least one forestry engineer or a landscaping architecture engineer or agricultural engineer of a corresponding profile, holding a licence for the production of spatial planning documentation.
(3) The licence for the production of zoning plans and regulatory plans shall be issued by the Minister to a legal person that:
   a) is registered in the court registry,
   b) has corresponding professional results in the tasks of production of that type of plans, and
   c) employs, permanently and with full working hours, in the context of the law governing employment relations, the following:
      1) at least two engineers of architecture, out of which one holds a licence for the production of spatial planning documentation, and the other holds a licence for production of technical documentation,
      2) at least one civil engineer from the area of civil engineering holding a licence for production of technical documentation, or one traffic engineer holding a licence for production of spatial planning documentation,
      3) at least one civil engineer from the area of hydro-technology holding a licence for producing technical documentation,
      4) at least one electrical engineer holding a licence for producing technical documentation from the area of energy,
      5) at least one mechanical engineer holding a licence for producing technical documentation.
   (4) Legal entity holding a licence referred to in Section 2 of this Article shall not perform producing of implementation spatial planning documents.
   (5) Licence for producing spatial planning documents can be issued to natural persons referred to in Sections 2 and 3 of this Article, that have:
      a) higher education or graduated engineers of a relevant profession or direction or graduate engineers with completed basic studies of the first cycle that last for four years and whose completion is 240 ECTS points in the mentioned field of science,
      b) passed the professional examination and
      c) at least five years of experience in the spatial planning documents.
   (6) Professional results referred to in Sections 2 and 3 of this Article mean that the legal entity, that is, the natural persons employed with that legal entity have produced, that is, participated in the development of the documents of physical planning for which the licence is issued.

Article 45

(1) The selection of the institution responsible for the production of the plan shall be performed in compliance with regulations on public procurement.
   (2) The institution responsible for the production shall be under obligation to produce the pre-draft, as well as each of the subsequent phases of the spatial development document, in compliance with this Law, regulations adopted on the basis of this Law and the decision referred to in Article 40 of this Law, as well as with documentation submitted by the institution responsible for the preparation.
   (3) The institution responsible for the production shall have to ensure the harmonization of the spatial development document it is producing and the spatial development document for the broader area.
   (4) The institution responsible for the production shall be under obligation to submit to the institution responsible for the preparation a certified pre-draft of the spatial development document including all the parts that the respective document should contain.

Article 46

(1) Prior to the determination of a draft, the institution responsible for the preparation shall review the pre-draft during a professional discussion, which shall be attended by the members of
the planning council, too, and to which it shall be obligatory to invite authorised professional representatives of authorities and legal entities referred to in Article 42, Section 3 of this Law.

(2) The invitation to professional discussion shall be submitted to the entities referred to in Section 1 of this Article seven days before the discussion, at the latest, together with excerpts from the pre-draft that concern issues from their scope of activities.

(3) Comments of the institution responsible for preparation, members of the council and representatives of organizations invited shall be taken into consideration during the professional discussion.

(4) The institution responsible for the production shall take into consideration the comments, opinions and suggestions to the pre-draft and shall build the accepted solutions into the draft spatial development document with which the public discussion shall be initiated.

4.4. Drafts and proposals of spatial development documents

Article 47

(1) The competent assembly shall, upon a proposal of the institution responsible for preparation, determine the draft of the spatial development document, and the place, time, and method of presentation of that draft for public insight.

(2) The duration of the public insight shall be determined by the decision referred to in Article 40 of this Law and shall last for 30 days at least for all spatial development documents, of which the institution responsible for preparation shall take care, depending on the significance and specificity of the spatial development document.

(3) The place, time, and method of presentation of the draft spatial development document for public insight shall be communicated to the public and owners of real estate in the area for which the operational spatial development document is being adopted in an announcement published in at least two public media, at least twice, and the first announcement shall be published eight days before the beginning of the public insight, and the second 15 days from the beginning of the presentation of the draft spatial development document for public insight.

(4) The announcement referred to in Section 3 of this Article shall contain information on the place, the date, the beginnings and the duration of public insight into the spatial development document, the place and the date of one or more public insights, and the deadline by which suggestions, comments and opinions to the draft document may be sent.

(5) The institution responsible for the preparation of the Spatial Plan of Republic of Srpska and the Spatial Plan for Areas of Special Purpose of Republic of Srpska shall be under obligation to organize public presentations of draft documents by regions.

(6) The draft document referred to in Section 1 of this Article that contains both the graphical and the textual part, shall be presented for public insight in the centre of units of local self-governance and there the, proposals, comments, and suggestions of interested parties shall be collected, on the basis of which an opinion shall be prepared on the draft document and sent to the institution responsible for production.

(7) The draft operational spatial development document shall be presented:
   a) in the premises of the institution responsible for spatial development tasks,
   b) in the premises of the institution responsible for production of the document,
   c) in the premises in which professional discussions are held or other premises (cultural centres, halls of public institutions etc.), and
   d) in premises of local communities, in case draft zoning plans, regulatory plans, urban development projects, or parcellation plans are presented for public insight.

(8) The institution responsible for preparation shall be under obligation to inform the public in every place in which the draft spatial development document is presented, that more detailed information, explanations and assistance in the formulation of comments may be obtained with the
institution responsible for preparation and the institution responsible for production of the document.

(9) Comments, proposals and opinions on the draft document shall be written in a notebook with enumerated pages, which is located in the room in which the draft is being presented, or shall be submitted in writing to the institution responsible for preparation, which shall be under obligation to forward them to the institution responsible for the production of the spatial development document.

(10) If the units of local self-governance fail to submit the opinion referred to in Section 6 of this Article within the deadline of eight days from the date of closing of the public insight, it shall be concluded that there are not comments to the envisaged planning solutions.

Article 48

(1) The institution responsible for production shall be under obligation to consider all comments, proposals and opinions submitted during the public insight and, prior to the determination of the proposal of the spatial development document, assume a position on them, and to submit a justified position in writing to the institution responsible for preparation and persons who had submitted their proposals, comments and opinions.

(2) The proposal for a spatial development document shall be determined on the basis of the draft that was published and the position on comments, proposals and opinions concerning that draft.

(3) It shall not be possible to change, in the proposal of a spatial development document, solutions from the draft document, apart from those in regards to which a justified comment, proposal or solution was submitted.

(4) The position of the institution responsible for production on the comments, proposals and opinions shall be discussed in the course of the public discussion, to which representatives of the institution responsible for preparation, institution responsible for production, and organizations referred to in Article 42, Section 3 of this Law, shall be invited, as well as members of the planning council.

(5) The public discussion referred to in Section 4 of this Article shall have to be organized within the deadline of 30 days from the date of closing the public insight.

(6) The institution responsible for preparation shall publish a public invitation to the public discussion in at least one daily newspaper accessible throughout the territory of the Republic, three days before the date of holding the discussion, and on that date, and the discussion may be attended by all interested persons.

(7) If the public discussion referred to in Section 4 of this Article is not attended by authorised professional representatives of organizations referred to in Article 42, Section 3 of this Law, it shall be concluded that the corresponding organizations have accepted the proposal of the document.

Article 49

(1) If the proposal for a spatial development document prepared on the basis of accepted proposals, comments and opinions submitted in the course of the public insight significantly differs from the draft document, the institution responsible for preparation shall be under obligation to organize repeated public review.

(2) Significant differences referred to in Section 1 of this Article imply new solutions that are not in compliance with the guidelines for production, i.e. amendment or addenda of the spatial development document from the decision referred to in Article 40 of this Law, when a border of the construction land is changed, or when the change results in a change of ownership relations.
(3) If the repeated public insight concerns changes proposed at the initial public insight, the duration of the public insight may be shorter than the deadlines stipulated in Article 47, Section 2 of this Law, but not shorter than eight days.

(4) Repeated public insight shall be published in the manner stipulated in Article 47 of this Law.

(5) The draft of the spatial planning document, which has been subjected to repeated public review in accordance with Sections 1 and 2 of this Article, can take new proposals, remarks and opinions which may be submitted only to parts of the document that have been amended after the first public review.

(6) Repeated public insight may be performed twice, at most, after which a new decision on production, i.e. amendment or addenda of the spatial development document shall be issued.

(7) If a new decision is issued in compliance with Section 6 of this Article, the decision shall have to contain provisions deciding whether the institution responsible for production selected earlier shall continue to be engaged or shall a new procedure of public procurement be implemented in order to select a new institution responsible for production.

Article 50

(1) Following the holding of the public discussion referred in Article 48, Section 4 of this Law, the institution responsible for preparation shall determine the proposal of the spatial development document in compliance with conclusions from the discussion, within the deadline of 30 days, at the longest.

(2) Proposals of spatial, urban development and zoning plans for areas of special purpose shall be submitted by the institution responsible for preparation to the Minister for consent.

(3) The Minister may refuse to issue the consent referred to in Section 2 of this Article if he determines that the document was not produced in compliance with provisions of this Law and regulations adopted on the basis of this Law, i.e. if he determines that the proposal of the document is not harmonized with a document covering a broader area.

(4) If, within the deadline of 15 days from the date of adoption of the proposal, the Minister fails to issue consent and fails to inform the institution responsible for preparation on irregularities determined, it shall be concluded that the consent has been granted.

(5) The competent assembly shall be under obligation to decide on the proposal for the spatial development document within the deadline of 60 days from the date of determining the proposal.

(6) Spatial development documents are public documents and shall be presented in both graphical and textual part to continuous public insight with the administrative institution in charge of activities of urban development and shall be published on the Internet site of the competent institution.

4.5. **Abbreviated procedure of adoption of spatial development documents, audit, amendments or addenda to spatial development documents**

Article 51

(1) In order to create the planning basis for the renewal and construction of settlements for urgent housing of the population from demolished, flooded, or other areas affected by natural disasters, urban development and regulatory plan may be produced and adopted in accordance with the abbreviated procedure, in the manner that the Minister shall stipulate in a special regulation.

(2) Exceptionally for construction of complex infrastructural, industrial and similar facilities for which the general interest is determined, the zoning plan of the special purpose area of Republic of Srpska and the plan of parcelation for areas along highways, main and regional roads or other linear infrastructure facilities can be created and brought under the short procedure in accordance
with the decision of the National Assembly of Republic of Srpska, in the manner stipulated by the Regulation referred to in Section 1 of this Article.

Article 52

(1) Audit, i.e. amendment or addenda of spatial development documents shall be initiated by the institution responsible for the preparation of the document.

(2) Audit, amendment or addenda of spatial development documents shall be performed in compliance with the Programme of measures and activities for improvement of conditions in physical space, and shall be obligatory following the adoption of a new spatial development document of a higher order within the scope of that document, when the harmonization is necessary.

(3) Audit, i.e. amendment or addenda of spatial development documents shall be performed in the manner and according to the procedure for the adoption of spatial development documents.

5 Maintenance of unique spatial-information system

5.1 Establishment and maintenance of single spatial information system and documents for monitoring conditions in physical space

Article 53

(1) The Ministry shall establish and maintain the single spatial information system for the purposes of collecting, rational utilization, and processing of data of significance for planning, development, utilization and protection of physical space.

(2) The single spatial information system shall cover data and information having electronic support throughout the space of the Republic.

(3) The Minister shall issue a regulation prescribing the contents and institutions responsible for the spatial information system, methodology of data collection and processing, as well as unified forms on which records shall be kept.

(4) Resources necessary for the establishment and maintenance of the single spatial information system shall be ensured from the budget of the Republic.

Article 54

Within the framework of the single spatial information system, single records shall be kept and maintained, covering the available:

a) data on spatial development documents of the Republic,
b) data on spatial development documents of units of local self-governance,
c) satellite images of the territory of the Republic and aero-photogrammetric images,
d) statistical, cartographic, analytic and planning data,
e) data on infrastructure,
f) data on economic resources,
g) data on construction land,
h) data on constructed and natural heritage,
i) data on illegal construction,
j) data on areas under threat (landslides, flooding areas),
k) data on performed geo-technical and other investigative works executed,
l) registry of environment polluters,
m) data on staff and institutions from the area of spatial planning,
n) registry of issued construction and utilization permits for facilities,
o) registry of licences issued for physical and legal persons,
p) registry of certificates issued on energy related characteristics of buildings, and
r) other data that are of significance for spatial development of the Republic and for the
keeping and maintenance of the single spatial information system.

5.2. Responsibility for keeping single records on physical space

Article 55

The public institution for preparation of documents for physical planning and technical
documentation founded by the Republic, in accordance with this Law, shall perform the following
affairs:

a) collects, processes and analyses data of importance for planning, design, use and
protection of space, ensures rational use of data and keeps the unique spatial-information system of
the Republic,
b) prepare a documentary basis for the preparation of physical planning documents issued
by the National Assembly of the Republic of Srpska and monitor their implementation,
c) prepare data for the preparation of a two-year Report on the situation in the Republic of
Srpska,
d) proposes measures and activities for improving the situation in the area,
e) for the needs of the Ministry, it checks the conformity of documents of spatial planning
of the lower order, ie the narrower area with the document of spatial arrangement of higher order or
wider area,
f) cooperates with persons, international organizations and institutions on the development
and implementation of programs and projects in the field of spatial planning,
g) prepares and realizes education programs for the needs of the development of physical
planning documents,
h) regularly publishes data and information on the situation in space and
i) performs other tasks entrusted to it by the Ministry in accordance with this Law.

Article 56

(1) The institution in charge of spatial development affairs of the unit of local self-
governance shall keep single records on the condition of physical space on stipulated forms and in
electronic format and shall be under obligation to submit to the Ministry, by January 31, at the
latest, the annual report on the condition of physical space, as well as on the implementation of
spatial development documents of the unit of local self-governance for the preceding year.
(2) The competent institution that owns, collects, produces, or processes data necessary for
forming the single records referred to in Article 54 of this Law, shall be under obligation to submit
available data and documentation regularly to the institution referred to in Section 1 of this Ar-
ticle.
(3) Upon a request of the Institution referred to in Section 1 of this Article, investors, legal
persons and other institutions shall be under obligation to submit data referred to in Article 54 of
this Law.

Article 57

(1) Administrative institutions in charge of spatial development affairs on all levels shall
keep the documentation necessary for the monitoring of conditions in physical space, production
and monitoring of implementation of spatial development documents, of which they shall submit a
report to the Ministry.
(2) On the basis of the report of institutions referred to in Section 1 of this Article, the two-
(3) The Report shall contain an analysis of the implementation of spatial development documents and other documents, an assessment of implemented measures and of their effect on sustainable management of physical space, protection of value of physical space and of the environment, and other elements of significance for physical space.

Article 58

(1) The Government shall, on the basis of the Report, adopt the four-year Program of Measures and Activities for Improving the Conditions in Physical Space (hereinafter: the Program of Measures).

(2) The unit of local self-governance shall, on the basis of the report on conditions in physical space, adopt the two-year program of measures and activities for determining the condition and development of physical space.

(3) The program of measures shall contain an assessment of the necessity of producing new one, i.e. amendment and addenda to existing spatial development documents, the necessity of obtaining data and professional bases for their production, and other measures and activities of significance for the production and adoption of those documents.

(4) The program of measures shall also stipulate other measures for the implementation of spatial development policies and documents, including material and technical improvement of professional spatial development services and organizations.

6. 6. Site permits

Article 59

(1) The site permit is a technical expert document that shall set the conditions for design and construction, which is made on the basis of this Law, separate laws and by-laws adopted on the basis thereof, as well as the spatial development documents.

(2) The documents which serve as the basis for issuance of the site permit shall be: zoning plan, zoning plan for specific purpose areas, regulatory plan, urban planning project and land parcellation plan.

(3) If the spatial development documents from Section 2 of this Article have not been passed or if there is no stipulated obligation for their adoption, the site permit shall be made on the basis of the applicable spatial development document and an expert opinion from the legal entity which holds an appropriate licence for making of the spatial planning documentation.

(4) The professional opinion from Section 3 of this Article shall be made in accordance with this Law, the applicable available spatial planning document, the separate regulation on regulation and parcellation, the regulations adopted on the basis of this Law and separate regulations and shall be required to contain assessment of suitability of the location for construction of the respective building.

(5) If the professional opinion is made for a specific purpose area, it should contain all the elements of the spatial plan for the specific purpose area.

(6) Making of the professional opinion from Section 3 of this Article shall be carried out by a legal entity which holds a licence for making of zoning plans and regulatory plans.

(7) Notwithstanding Section 6 of this Article, for individual residential and individual-residentila buildings covering the gross building area up to 400 m2, except complex facilities in terms of this Law, as well as for construction of facilities not requiring building permit according to the provisions of this Law, professional opinion may be made by the authority of the local self-government units competent for spatial planning affairs, if it employs at least one graduated engineer of architecture who is holding the licence for making of the spatial planning documentation, if the investor entrusts it with this task.
6.1 Grounds for issuance of site permits and competence over issuance of site permits

Article 60

(1) Site permits shall be issued by the administrative authority competent over spatial development affairs in the local self-government unit in whose territory the construction is applied for.

(2) Notwithstanding Section 1 of this Article, the Ministry shall issue site permits for construction of buildings which is carried out in the territory of two or more local self-government units, as well as for:
   a) high dam facilities for which technical surveillance is stipulated,
   b) facilities for production and processing of oil and gas, the main oil and gas pipelines, and the gas and oil pipelines for international transport,
   c) facilities for basic and processing chemical industry, ferrous and non-ferrous metallurgy, facilities for the production, processing and refining of ores, facilities for the production of cellulose and paper, and facilities for processing of leather and fur,
   d) energy and other facilities and plants for generation of electricity, except solar plants with photovoltaic cells and other plants that use all types of renewable energy sources of installed power up to 250 kW,
   e) power transmission lines with voltage level of 110 kV and above and substations with voltage level of 110 kV and above,
   f) interregional and regional water supply facilities,
   g) devices for waste water treatment for settlements of over 50,000 inhabitants,
   h) highways, speed roads, main and regional roads with the roadside facilities and facilities in protective belt that serve the traffic and have not been included in the operational spatial planning document,
   i) airports for public transportation,
   j) railway track for public transportation with the facilities,
   k) international and main capacities in the domain of the communication system, concluding with an international automated switchboard,
   l) regulation works on waterways,
   m) waterways, freight and public passenger mechanized landing,
   n) fast track systems,
   o) regional landfills, landfills for hazardous substances and facilities for the recycling of secondary raw materials,
   p) hydro melioration systems for irrigation of surfaces over 50 ha, and for the drainage of surfaces over 300 ha,
   q) fisheries of 50 ha and more,
   r) stadiums for 10,000 and more spectators, silos with the capacity of 10,000 m$^3$ and more, covered buildings for public purposes which can accommodate more than 2,000 persons, buildings with the structural span of 30 m and more, industrial production halls with surface area of more than 5,000 m$^2$, and buildings 50m and over 50m high,
   s) works on cultural and historical heritage referred to in Article 2, Section 2, Subsection f) of this Law, construction and reconstruction of facilities in the zone of the I and II degree of protection of cultural, historical, and natural heritage,
   t) facilities within the border crossing complex,
   u) facilities for generation of thermal energy – district heating plants, as well as other buildings stipulated under separate laws, and
   v) radar centres for meteorological radars for the requirements of anti-hail protection of the Republic.
(3) Prior to issuance of the site permit for the buildings from Section 2 of this Article, the opinion of the local community in whose territory the construction is being applied for shall be obtained.

(4) A copy of the site permit shall be submitted to the competent urban planning and construction inspection.

6.2. Application for issuance of site permit and contents

Article 61

(1) The authorities competent over spatial development shall be required to allow for examination of the spatial planning document even before the submission of the application for issuance of the site permit to any interested person upon a request.

(2) The investor shall be required to attach the following to the application for the site permit:
   a) urban planning and technical requirements, which are submitted in three copies only if they are developed externally from the authority of the local self-government unit which is competent over spatial development work,
   b) copy of the cadastral plan, or an up-to-date geodesic base for the proposed routes of the infrastructural line utility buildings,
   c) proof of legality of the existing building, if the case concerns addition, upgrade and change of purpose of the existing building,
   d) building description,
   e) approvals for location of the building foreseen in the urban planning and technical requirements on the grounds of separate laws depending on the type and purpose of the building (from public utilities which manage the utility infrastructure, public enterprises which manage the public infrastructure, etc.), if such approvals are not included in the urban planning and technical requirements, and
   f) a decision on determining the obligation to carry out an environmental impact assessment and the extent of the impact assessment, if its implementation is mandatory in accordance with a special regulation and
   g) preliminary design and proof of ownership or the right of construction held over the land for buildings not requiring construction permit according to the provisions of this Law.

(3) Notwithstanding Section 2 of this Article, if the space of future construction is covered by the implementing spatial development document the investor shall not be required to attach approvals from Subsection d) of this Article.

Article 62

(1) If the space of future construction is covered by the implementing spatial development document, the site permit shall consist of a certified excerpt from the implementing spatial development document and the urban planning and technical requirements.

(2) If the space of future construction is not covered by the implementing spatial development document, the site permit shall consist of:
   a) excerpt from the applicable available spatial development document,
   b) urban planning and technical requirements,
   c) statements of owners of the neighbouring buildings and plots, which are obtained by the investor.

(3) The site permit shall be issued for the entire building plot which is intended for construction of the building.

(4) The costs of making of the site permit shall be borne by the applicant.
(5) The fee from Section 4 of this Article shall cover the actual costs of making of the site permit.

(6) The Instruction on the form, contents and manner of making of the site permit shall be passed by the Minister.

6.3. Urban planning and technical requirements

Article 63

(1) Urban planning and technical requirements shall represent an expert document which defines the terms for construction and use of the building and land.

(2) Urban planning and technical requirements, depending on the type of the building, shall define:
   a) the intended use of the building,
   b) the size and shape of the plot, the report on conditions on the ground and photo documentation of the conditions,
   c) the minimal scope of construction land development, if the required infrastructure has not been built, and the requirements for connecting to the utility infrastructure on the basis of the opinion of the utilities and public enterprises, if the implementing planning enactment has not been passed,
   d) the requirements for shaping of the building,
   e) the need to make the preliminary design and develop the building plot,
   f) the obligations which must be met in relation to the neighbouring buildings,
   g) the requirements for environmental protection in accordance with separate regulations which provide for this subject matter,
   h) the requirements for allowing unrestricted access to persons with impaired physical abilities,
   i) the requirements for protection from natural and other disasters,
   j) the scope and methods of the necessary geo-mechanical examinations of soil,
   k) the requirements in connection with fire protection,
   l) the zero radiation balance for the buildings which might generate radiation (base stations for mobile telephony, electric substations, power transmission lines, hydro power plants, wind power plants, solar power plants, relays, etc.), and
   m) other elements and requirements relevant for the building, in accordance with separate regulations.

(3) The investor shall entrust the preparation and making of the urban planning and technical requirements to a legal entity which holds a relevant licence for making of spatial planning documentation.

(4) Notwithstanding Section 3 of this Article, the competent authority of the local self-government unit may prepare the urban planning and technical requirements for construction or reconstruction of individual residential buildings and individual residential and commercial buildings with gross construction surface area of up to 400 m², with the exception of complex buildings in terms of this Law, as well as for the construction of buildings not requiring construction permit according to provisions of this Law, if it employs at least one graduated engineer of architecture who holds a relevant licence for making of spatial planning documents.

(5) For the buildings for which the site permit is issued by the Ministry in accordance with Article 60, Section 2 of this Law, the investor shall be required to entrust the making of the urban planning and technical requirements to the legal entity from Section 3 of this Article.

(6) In cases from Article 59, Section 3 of this Law, prior to preparation of the urban planning and technical requirements the opinion shall be obtained from all interested public utilities and public enterprises on the terms under which the required construction is possible and the protective measures which need to be anticipated.
(7) If a public utility or a public enterprise fails to submit its opinion within 15 days from the date of receiving the official application, it shall be taken that there are no particular requirements and the urban planning requirements shall be made based on the conditions on the ground.

(8) The decision on criteria, amount and manner of calculation of the fee from Article 62, Section 4 of this Law shall be made by the assembly of the local self-government unit, for the buildings from Section 4 of this Article for which the site permit is made.

6.4. Deadline for issuance of site permits

Article 64

(1) The competent authority shall be required to issue the site permit within 15 days from the date of receiving the complete application.

(2) The competent authority shall refuse the application for issuance of the site permit it determines that the legally stipulated requirements have not been met and that the requested construction is not in line with the spatial development document on the basis of which the site permit is issued, and, also, in the case when it finds that the expert opinion, i.e. the urban planning and technical requirements, prepared by the authorised person, is not harmonized with the applicable spatial planning document.

(3) In the case from Article 59, Section 3 of this Law, if the requested construction is not possible in the expert opinion, the application shall be rejected by virtue of the decision.

(4) If the site permit has not been issued in accordance with provisions of this Law, the client can demand performance of inspection audit.

(5) If the site permit has not been issued within the stipulated deadlines, the investor may lodge an appeal as if the application has been refused.

6.5. Issuance of site permits for temporary buildings

Article 65

(1) The site permit shall be issued for permanent buildings.

(2) Notwithstanding the previous provision, the site permit shall be issued even for temporary buildings on locations identified in the spatial planning document which are situated on the construction land which has not been put to its final use or on locations which are planned for setting up of temporary buildings in the applicable implementing plans.

(3) The requirements for setting up of temporary buildings shall be stipulated by virtue of the decision of the assembly of the local self-government on organization of space and construction land.

(4) In the site permit for a temporary building it shall be stated that the investor will, in the course of putting of the construction land to its final use, be responsible to remove the temporary building and reinstate the land into its original conditions without an entitlement to compensation.

(5) Duration of the temporary use shall be determined in number of years from the date of issuance of the site permit.

(6) If, due to bringing the land towards its permanent use, the need for removing a temporary building before expiration of the deadline referred to in Section 5 of this Article occurs, the authority in charge of issuing the site permit for performance of works related to bringing the land to its permanent use, shall, after issuing the site permit for a permanent facility, that is, after the issuance of a building permit for individual residential and individual housing and business facilities with a gross construction area of less than 400 m² except for complex facilities for the purposes of this Law, which are built in the area for which a spatial planning document has been
issued or in an out-of-town area, immediately inform the investor of the temporary facility about the need and the time frame for its removal.

(7) If the investor fails to carry out this responsibility upon expiry of the deadline, the authority competent over issuance of the site permit shall order that the temporary building is removed and the land restored to its original conditions at the expense of the investor.

Article 66

(1) The site permit shall be valid until the amendments to the applicable implements plan or the adoption of a new one, if the obligation to adopt such a plan is stipulated.
(2) If the investor has failed to submit the application for the building permit within one year from the date of issuance of the site permit, he shall be required, before submitting the application, to seek assurance that the issued site permit has not been changed.

III CONSTRUCTION LAND

1. Urban construction land and decision on spatial planning and urban construction land

Article 67

(1) Construction land shall be used in accordance with its purpose and in a manner that ensures its rational utilization in compliance with the Law.
(2) The unit of local self-governance shall take care of the development of urban construction land in compliance with the Law.
(3) In order to ensure the conditions necessary for the development of urban construction land, the unit of local self-governance may establish a public company or may provide for the performance of those activities in another way pursuant to the Law.

Article 68

(1) The rights stipulated by the Law on Property Rights may be obtained over urban construction land.
(2) Protection of rights over urban construction land shall be executed in procedure before the court, unless otherwise stipulated by this Law.

Article 69

(1) Urban construction land shall be designated by the decision of the assembly of the unit of local self-governance on the development of space and construction land, and it may be determined as:
   a) land that is mostly constructed and that comprises a spatial and functional unit in the city or a settlement of urban character,
   b) land covered by borders of the urban development plan of the city, i.e. settlement of urban character, as well as land envisaged for expansion of the city, i.e. settlement of urban character,
   c) land in other areas envisaged for housing and other construction, such as suburban settlement or other larger settlement, recreational and tourist centres, areas envisaged for construction of houses for rest and recuperation, and other similar purposes.
(2) Only the land for which an operational spatial development document or an urban development plan have been adopted, according to which the construction and development of the land shall be performed within the deadline of five years, at the latest, may be designated as urban construction land referred to in Section 1 of this Article.
(3) The decision referred to in Section 1 of this Article may cover construction land in the ownership of the unit of local self-governance and construction land in private ownership.

Article 70

(1) The decision referred to in Article 69, Section 1 of this Law shall contain a detailed description of the border of the land covered and data on cadastral parcels from public records on real estate.

(2) Geodetic base with the drawn border line of urban construction land and parcels covered by the decision shall be an integral part of the decision referred to in Section 1 of this Article.

2. Development and financing of urban construction land

Article 71

(1) Urban construction land may be developed and undeveloped.

(2) Developed urban construction land is the land that is equipped from the utility aspect for construction in compliance with the operational spatial development document, i.e. that has a constructed access road, ensured power supply, water supply, and other special conditions ensured.

(3) Undeveloped urban construction land means the land that has not been fully equipped with utilities in terms of Section 2 of this Article.

(4) Development of urban construction land shall be performed by the unit of local self-governance, and the development shall cover its preparation and equipment.

(5) Preparation of land shall comprise investigative works, production of geodetic, geologic, engineering-seismological and other bases, performing analysis of ownership rights over the land, production of planning and technical documentation, production of programmes for land development, resettlement, facility demolition, terrain rehabilitation, and other works.

(6) Equipment of land shall comprise the construction of facilities of utility infrastructure and construction and development of public purposes planned in the operational spatial development document.

Article 72

The financing of development of urban construction land and the production of spatial development documents shall be performed by the unit of local self-governance, and it shall be ensured from the funds executed on the basis of the following:

a) fee on the basis of natural and site related advantages of urban construction land and advantages of already constructed utility infrastructure that may occur in the course of utilization of that land (hereinafter: the rent),

b) compensation for development of construction land,

c) lease for construction land,

d) sale of construction land,

e) portion of property tax, and

f) other sources pursuant to special regulations.

3. Rent and compensation of costs for development of urban construction land

Article 73

(1) Prior to receiving the building permit, the investor into the building construction on the urban construction land shall be required to pay:

a) the rent, and

b) compensation for costs for development of urban construction land.
(2) The compensation for costs for development of urban construction land shall be determined in accordance with the provisions of this Law, regulations adopted on the grounds of this Law, and the decision of the assembly of the local self-government unit from Article 69, Section 1 of this Law.

(3) For agricultural land which is designated in the spatial development document as a construction land for which the investor pays the compensation for transformation from agricultural into construction land in accordance with the separate regulation, the costs of the rent shall be decreased by the amount of the paid compensation for transformation.

(4) Notwithstanding Section 1 of this Article, the investor in line buildings of utility and public infrastructure shall not pay the compensation from Section 1 of this Article.

(5) The Minister shall adopt the regulation which regulates the criteria, structure, elements and manner of calculation of the compensation of costs for development of urban construction land.

3.1 Decision on the amount of compensation of costs for development of urban construction land and the amount of rent

Article 74

(1) The decision on the amount of the compensation of costs for development of urban construction land and the amount of the rent shall be made by the local self-government unit competent over the utility affairs after the issuance of the site permit and the urban planning and technical requirements, and shall be calculated as stipulated under the provisions of this Law and the regulations adopted on the basis thereof.

(2) The amount of the compensation of costs for development of urban construction land and the amount of the rent shall be determined per unit of useful surface area of the building which will be constructed (BAM/m²).

(3) The decision from Section 1 of this Article shall also be made for buildings not requiring the building permit according to this Law on the basis of the preliminary design and the site permit, before the staking out of the building.

(4) The competent authority shall attach to the decision from Section 1 of this Article the report on calculation of the costs for land development and the rent with all the parameters upon which they have been calculated.

(5) The period of validity of the decision from Section 1 of this Article shall be one year from the date on which it is considered to be final.

Article 75

(1) Until evidence is submitted of having paid the ascertained compensation for the costs of development of urban construction land and the rent, it shall not be possible to issue a building permit to the investor of construction of a facility on urban construction land.

(2) Through the decision referred to in Article 69, Section 1, of the Law a unit of local self-governance may stipulate that the fees for the costs of development of urban construction land and the rent may be paid in monthly instalments, during the period of up to ten years.

(3) In the case referred to in Section 2 of this Article the investor shall sign a contract with the unit of local self-governance on payment of the fees for the costs of development of urban construction land and the rent in monthly instalments.

(4) A contract concluded in order to execute the right referred to in Section 3 of this Article shall be treated as proof based on which the building permit can be issued.

3.2. Compensation for costs of development of urban construction land

Article 76
Development of the building plot on which the subject construction shall be performed shall be undertaken by the investor at their cost up to the regulation line, i.e. in accordance with urban development and technical conditions and other technical documentation on the basis of which the building permit had been issued, except in case of construction of facilities and plants of public utility and other infrastructure that had been envisaged in the facility of the investor or that cross over their building plot, which shall be financed and constructed by the unit of local self-governance, i.e. the competent public utility.

Article 77

(1) Compensation for the costs of development of urban construction land shall cover the actual costs of preparation and equipment of construction land, i.e. the actual costs of planned construction of utility and other infrastructure and development of public areas in accordance with the operational spatial development document that concerns the area of subject construction or in accordance with the urban development plan of the unit of local self-governance, professional opinion and urban development and technical conditions, until the adoption of the operational spatial development document, calculated on the basis of the number of square meters of useful area of total facilities planned.

(2) The amount of the compensation for the costs of development of urban construction land shall be determined in accordance with the program for development of urban construction land, the price list of works on utility and other infrastructure, and development of public areas, which represents an integral part of the spatial development document referred to in Section 1 of this Article, and the planned scope of overall construction, for the method of utilization of land stipulated in the spatial development document.

(3) The compensation for the costs of development of urban construction land shall be paid by the investor under the conditions stipulated in Article 75 of this Law.

(4) The investor at whose request amendments of spatial development documents are being performed shall be under obligation, in addition to the costs referred to in Section 1 of this Article, to finance fully development of construction land in the part of changes that onset in comparison with the current spatial development document which is being amended.

3.3. Equipment of undeveloped and unequipped construction land

Article 78

(1) Undeveloped construction land that is not equipped in the context of this Law, and is located within the scope of the operational spatial development document or urban development plan of the unit of local self-governance, may be equipped from the resources of the investor wishing to construct on that land.

(2) The investor referred to in Section 1 of this Article shall submit to the institution of the unit of local self-governance in charge of utility affairs a proposal on the financing of the equipment of the land, to which the competent institution shall be under obligation to respond within the deadline of 15 days from the date on which the proposal was submitted.

(3) If the institution referred to in Section 2 of this Article determines that the applicant of the proposal, the investor for the construction of a facility in the zone in which construction land had not been equipped, and for which an operational spatial development document has been adopted, or which is within the scope of the urban development plan of the unit of local self-governance, it may conclude with the investor a contract on the financing of the equipment of construction land.

(4) The contract referred to in Section 3 of this Article should contain the following:
(a) data on the location, i.e. zone, data from the operational spatial development document and urban development plan, and technical conditions for equipment,
(b) data from the programme for development of construction land,
(c) borders of the location being equipped, including the inventory of cadastral parcels,
(d) deadline for construction,
(e) obligation of the unit of local self-governance to acquire, as an investor, the site permit, construction and utilization permit, and the obligation to ensure and finance professional supervision in the course of performance of works,
(f) obligation of the investor to ensure and finance the production of technical documentation and the performance of works, as well as the obligation to cede the constructed facilities of utility infrastructure and other purposes into the ownership of the unit of local self-governance, and
(g) the amount of actual costs of equipping construction land, as well as the amount of the deduction of the compensation for the costs of development of urban construction land for the investor for the facility that shall be constructed on that location, i.e. in that zone.

(5) Compensation for development of urban construction land that is calculated in compliance with Article 74 of this Law, for the facility that shall be constructed on the location, i.e. in the zone in which, pursuant to the spatial development document, the construction of utility infrastructure had been planned, and which is, pursuant to the contract, being equipped from the resources of the investor, shall be deducted by the actual costs of equipment the investor is investing on the basis of the contract referred to in Section 3 of this Article, and up to the level, at most, of the compensation for development of urban construction land referred to in Article 77 of this Law, determined in accordance with criteria and benchmarks for calculation for that location, i.e. zone.

(6) The investor referred to in Section 1 of this Article who is the owner of construction land on which, pursuant to the current spatial development document, it is planned to construct utility infrastructure, may have the market value of that land recognized as the actual cost of utility equipment of the land.

(7) The contract referred to in Section 4 of this Article may also contain the pace of development of urban construction land.

3.4. **Compensation for extension and upgrading of existing facilities**

**Article 79**

(1) In the course of extension or upgrading of existing facilities, the investor shall pay the compensation for development of urban construction land and the rent fee for the area size of the extended, i.e. upgraded part.

(2) In the course of replacement of the old facility with a new facility, the investor shall pay the compensation for development of construction land and the rent fee calculated on the balance between the new and the old facility, expressed in useful area.

3.5. **Rent fee**

**Article 80**

(1) The amount of the rent by zone shall be determined by the assembly of the local self-governance unit by means of the decision.
(2) The average, final price of construction of one square meter of useful surface of residential and commercial space from the previous year for the territory of the local self-government unit shall serve as the basis for calculating the amount of the rent.

(3) The average calculated in accordance with Section 2 of this Article shall be multiplied with the development coefficient of the unit of local self-governance (hereinafter: \( K_p \)), as follows:
   a) developed local self-government units ...................................................\( K_p = 1.00 \),
   b) medium developed local government units .............................................\( K_p = 0.90 \),
   c) underdeveloped local self-government units .......................................................\( K_p = 0.80 \),
   d) extremely undeveloped local government units ...................................\( K_p = 0.65 \).

(4) The average, final construction price from Section 2 of this Article shall be determined by the assembly of the local self-government unit by means of the decision each year, and by 31 March of the current year, on the basis of the estimate from the main design for the building permits issued in the previous year.

Article 81

(1) Urban construction land, on the basis of natural and location benefits of such land and the benefits of the already built utility infrastructure that may result from the use of such land, shall be divided into six zones at most.

(2) The zones shall be determined by virtue of the decision from Article 69, Section 1 of this Law on the basis of:
   a) the position of the land,
   b) the degree of equipment of the land with utility facilities and installations,
   c) the traffic connections,
   d) the type and capacity of facilities for daily and periodical supply,
   e) the degree of coverage by facilities for health care, education, culture and children’s protection, and
   f) the natural and environmental terms of usage of the land, such as: terrain slope, orientation, exposure to sunlight, air temperature, winds and air pollution.

Article 82

(1) The amount of the rent shall be determined as a fixed percentage within the given ranges for particular zones of the average, final price of construction from Article 80, Section 2 of this Law, namely:
   a) in the first zone up to 6%,
   b) in the second zone up to 5%,
   c) in the third zone up to 4%,
   d) in the fourth zone up to 3%,
   e) in the fifth zone up to 2%, and
   f) in the sixth zone up to 1%.

(2) In the part of the first zone which is determined to be especially suitable for construction and in which a utility infrastructure is fully constructed in accordance with the spatial planning document, the annuity is additionally increased to 20%.

(3) For facilities that may have a negative impact on the environment, natural values and cultural and historical assets, the rent amount is additionally increased to 20% regardless of the zone.

4. 4. Other construction land and urban formation of building plots

Article 83
(1) Other construction land referred to in Article 2, Section 1, Subsection v) of this Law shall be stipulated by the decision of the unit of local self-governance referred to in Article 69, Section 1 of this Law.

(2) The decision on the designation of other construction land shall be based on the spatial development plan of units of local self-governance or the zoning plan of areas of special purpose containing the borders of urban and other areas on which the urban development plan or the operational spatial development document envisage construction or performance of other works.

(3) The decision referred in Article 69, Section 1 of this Law shall stipulate the conditions and benchmarks for the development of areas covering other construction land and shall designate its borders, upon obtaining in advance the opinion of local communities and other interested parties.

Article 84

(1) Urban formation of building plots shall be the procedure of parcellation of construction land according to which, in an urban area, existing cadastral parcels that, due to their unfavourable area size, form, position, inadequate access to areas of public purpose, or due to other reasons, cannot be developed rationally and used as construction land, shall be transformed into building plots.

(2) In the process of urban formation of building plots, which is implemented in public interest, redistribution of newly formed building plots is performed between the owners of earlier existing cadastral parcels, with simultaneous resolution of property and other real legal rights over that land and provision of construction land for the construction of facilities and areas of public purpose.

(3) The decision on initiating the procedure of urban formation of building plots in a certain area shall be made by the assembly of the unit of local self-governance.

Article 85

A government decree shall stipulate the cases in which the procedure of urban formation of building plots shall be performed, the criteria for assessing the value of land and for awarding the land, and certain costs and the persons under obligation to pay the costs.

IV CONSTRUCTION

1 Characteristics of facilities

Article 86

(1) All facilities shall have to be designed and constructed in compliance with spatial development documents.

(2) Harmonization of the facility with spatial development documents shall be ensured by performing designing in compliance with requirements from the site permit, by auditing the designing prior to initiating the process of issuance of the building permit, by the performance of
works in compliance with the approved main designing, and through control in the process of issuance of the utilization licence.

Article 87

(1) Facilities for collective housing, facilities or parts of facilities that are in public use or are being used for performance of servicing or economic activities, shall have to be designed and constructed in such a manner that persons with reduced physical capacities shall be ensured unimpeded access, movement, work, and stay.

(2) The Minister shall issue the regulation prescribing the conditions referred to in Section 1 of this Article.

(3) Upon a request of a person with reduced physical capacities or his/her guardian, i.e. association, architectural obstacles that prevent access and movement for persons with reduced physical capacities shall be removed within the deadline of two years from adoption of this Law, if technical options for the execution of such works exist.

(4) Removal of architectural obstacles, i.e. facilitation of free access to the facility and movement in the facility for persons with reduced physical capacities, shall be the responsibility of the owner of the facility.

Article 88

Construction products, materials, equipment and devices may be used, i.e. installed, only if their quality is proven with a certificate and statement of compliance issued by an authorised institution, in compliance with regulations on construction products.

Article 89

(1) Devices in buildings that are in the function of the building in its entirety or a certain part of the building, such as lifts for transporting persons and freight in buildings, elevators, and other, may be used and commissioned only if they do not pose a threat on the health and safety of persons or safety of property, if they are properly installed and maintained, and if they are used for the envisaged purpose.

(2) Technical characteristics, basic health and safety requirements relating to designing and production of devices referred to in Section 1 of this Article, in their entirety or their individual parts or sets and safety components, their marketing, regular and periodic examinations, shall be regulated by regulations issued by the Minister for each device or group of devices.

(3) The adoption of the technical approval, the procedure of assessing compliance and proving usability, performance of control procedures, placing the sign of compliance, shall be performed pursuant to provisions of this Law, regulations adopted on the basis of this Law, and regulations on construction products.

1.1. Energy characteristics of buildings

Article 90

(1) In order to achieve economically justified solutions, the participants in the construction process are obliged to take measures to determine the minimum requirements for energy performance of buildings or self-contained occupancy units of buildings.

(2) In the course of planning, design and construction of new buildings, and in the cases of major reconstruction of existing buildings, the stipulated energy characteristics and minimal requirements as long-term measures foreseen in the provisions of this Law and the regulations on energy efficiency shall be provided through:
a) application of new construction technologies and installation of building products which enable the use of primary energy from renewable sources,

b) provision of stimulating conditions and measures to have new buildings constructed or the existing buildings transformed during major reconstruction into buildings with almost zero energy consumption, whenever it is possible and economically acceptable,

c) mandatory installation of measuring devices for utility products for each individual home owner for all new buildings and ensuring the same for the existing buildings in the course of major reconstruction, if the technical characteristics of the building allow this and when this is economically acceptable, or ensuring at least one measuring device for measurement on the level of the building as a whole,

d) incentives to installation of intelligent systems for measurement in the course of construction of a new building or execution of major reconstruction to a building, and installation of active monitoring system such as the systems for automation, control and monitoring which have energy saving as the goal,

e) through stimulation for use of remote system for heating or cooling of buildings which is completely or partially based on the energy from renewable sources,

f) establishment of regular inspection of the building’s technical system and the equipment used for heating of cooling of the building, ventilation, hot water and lighting, as well as giving of regular advice and recommendations to users for a variety of methods and practical solutions which serve to improve the energy characteristics of the building, and

g) creation of the conditions for developing and establishing the system of certification of energy characteristics of buildings which shows the energy characteristics of the building and shall be recognized by the competent institutions.

(3) Energy audits carried out by an authorised person shall determine the energy characteristics of the building and the level of compliance of these characteristics with the stipulated requirements and reference values and shall propose measures for cost-effective improvement of the energy performance of the building.

(4) Prior to issuance of the operating permit, the approval for trial operation, or prior to the change of ownership or lease of new building built after the entry into force of this Law or its separate part, the energy certificate which is issued in accordance with the provisions of this Law and the regulations which pertain to energy efficiency must be obtained.

(5) The building's energy certificate shall include consolidated results of the energy audit of the building as a whole which is carried out under the provisions of this Law, including its technical system.

(6) The public sector that uses buildings with usable floor area over 500 m² is obliged to introduce an energy management system in these buildings in accordance with the regulations related to energy efficiency.

1.2. Energy audit of buildings

Article 91

(1) Energy audit of buildings shall be performed by an authorised legal entity having appropriate licence for performance of energy audits.

(2) The licence for performance of energy audits shall be issued to a legal entity which:

a) is registered in the court registry,

b) has the appropriate professional results in the affairs of producing technical documentation or audit of technical documentation or construction or quality control and attestation of construction products and
c) has, as full-time employees, in accordance with the laws which govern employment relations:

1) for the buildings for which the building permit is issued by the Ministry, at least two graduated engineers of architecture, civil engineering, mechanical engineering or electrical engineering holding the licence for performance of energy audits,

2) for the buildings for which the building permit is issued by the administrative authority of the local self-government unit, at least one graduated engineer of architecture, civil engineering, mechanical engineering or electrical engineering holding the licence for performance of energy audits.

(3) The energy audit licence shall be issued to natural persons with a licence for the development or audit of technical documentation or construction, acquired in accordance with the provisions of this Law and having completed a special training for conducting energy audits in accordance with the provisions of this Law and the regulations on energy efficiency.

(4) The legal entity that performs the energy audit of the building shall, when performing an energy audit of the heating or air conditioning system, provide the owner with a written recommendation for economically efficient system changes in order to increase their energy efficiency for all heating systems with a boiler of nominal power greater than 20 kW and air conditioning system with a nominal power greater than 12 kW.

(5) Special expert training referred to in Section 3 of this Article shall be organized by the Fund for Environmental Protection and Energy Efficiency (hereinafter: “the Fund”).

(6) The special professional training referred to in Section 3 of this Article shall be conducted according to the Programme of training and professional development issued by the Fund, and the Minister provides their consent.

(7) The Minister shall issue a regulation which shall in more detail stipulate the procedure for carrying out energy audits, determining the energy class of the building, issuing the energy certificate, the content, the form of the energy certificate and the validity period, keeping the registers and their availability to the public, the method of forming the price of energy audits and issuing certificates, and the manner of implementing independent control of issued energy certificates.

(8) The energy audit of the building cannot be carried out by persons involved in the design, auditing, construction or performing professional supervision over the construction of this building.

Article 92

(1) The Ministry shall keep a unique register of persons licensed to carry out energy audits.

(2) Units of local self-government shall keep a register of issued energy certificates in their area.

(3) The registers referred to in Sections 1 and 2 of this Article are public and shall be published on the websites of the Ministry and local self-government units or in another appropriate manner.

Article 93

(1) In order to achieve economically justified solutions and in order to determine the minimum requirements for the energy performance of buildings or self-contained occupancy units of buildings, the Minister shall bring the following:

a) Regulation on minimum requirements for energy performance of buildings and

b) Regulation on methodology for calculation of the energy performance of buildings

(2) The Regulation referred to in Section 1, Subsection a) of this Article shall stipulate in more detail:
a) technical requirements regarding rational use of energy and thermal protection to be fulfilled during designing and construction of new buildings, and during use of the built buildings heated to an internal temperature above 12° C,
b) other technical requirements for rational use of energy and thermal protection in buildings,
c) technical characteristics and other requirements for some construction products installed in buildings for the purpose of rational use of energy and thermal protection and assessment of conformity of these products with the specified requirements,
d) the content of the building design in relation to the rational use of energy for heating and cooling, and thermal protection,
e) determination of the necessary thermal energy for heating and cooling of the facility, and
f) maintenance of the building in relation to the rational use of energy and thermal protection.
(3) The Regulation referred to in Section 1, Subsection b) of this Article shall stipulate in more detail:
a) methodology for calculating energy characteristics for residential buildings,
b) methodology for calculating energy characteristics for non-residential buildings, and
c) categories for which the energy characteristics of buildings are calculated.

1.3 Energy certificates

Article 94

(1) The authorised person who has performed the energy audit shall submit to the Fund a report on the conducted audit and the determined energy class of the building, within eight days from the date of entrusting performance of the audit.

(2) Based on the submitted report, the Fund shall issue an energy certificate that it shall submit to the authorised person who performed the energy audit, the Ministry and the competent body of the local self-government unit, within eight days from the date of submission of the report.

(3) The display of the energy certificate in a clearly visible location, the establishment of the system of independent control, the method of performing independent control, conditions for persons implementing independent control, and other issues in connection with independent control, shall be performed in compliance with provisions of this Law and regulations relating to energy efficiency.

(4) The energy certificate has a validity of ten years and is subject to an independent control system.

(5) The costs of issuing an energy certificate shall be borne by the investor.

Article 95

Apart from the competences established in Articles 91 and 94 of this Law, the Fund is in charge of performing the following tasks related to energy efficiency according to this Law:
a) participates in implementation of a procedure for selection and financing or co-financing of projects related to increasing energy efficiency and reducing total energy consumption in buildings from funds allocated for these purposes under special regulations, as well as funds provided for these purposes by donations, grants or loans of the Republic and other,
b) establishes and maintains databases on the energy efficiency of buildings and issued energy certificates,
c) performs independent control of issued energy certificates,
d) proposes projects to increase energy efficiency in the public sector,
e) promotes energy efficiency measures, and inform and encourage public interest on the significance and effects of energy efficiency and
f) performs other tasks in accordance with this Law.

1.4 Buildings for which energy efficiency measures are not mandatory

Article 96

The following shall be exempt from mandatory application of the provision of Article 90 of this Law:
  a) buildings that are, pursuant to special regulations, officially protected as national monuments, a part of the natural environment, of special architectural or historical significance,
  b) buildings protected on the basis of special regulations, for which the fulfilment of aforementioned minimal requirements for energy related characteristics would unacceptably change their nature or layout,
  c) buildings used as locations of religious ceremonies or for religious activities,
  d) temporary buildings whose period of utilization is two years or less, as well as temporary buildings built within preparation works for the requirements of construction site organisation,
  e) industrial locations, workshops and non-residential agricultural buildings with small energy related requirements,
  f) workshops, production halls, industrial buildings and other commercial buildings that, in accordance with their purpose, must be kept open for more than half of working hours, if they do not have air curtains installed,
  g) residential buildings used, or intended to be used less than four months during the year or for a limited period of time during the year, and with expected energy consumption below 25% of the quantity necessary for utilization throughout the year, and
  h) detached buildings with total gross construction area of less than 200 m².

2 Technical documentation

Article 97

(1) The technical documentation shall consist of:
  a) preliminary design,
  b) main design,
  c) construction design,
  d) as-built design,
  e) quality control documentation,
  f) instruction for maintenance and operation of the building, and
  g) design for removal for the buildings with a gross construction surface area of over 400 m².

(2) In addition to the technical documentation referred to in Section 1 of this Article, the investor may, for complex objects and facilities of liner infrastructure, determine the macrolocation and disposition of the facility, technical and technological concept, ways of providing infrastructure, environmental impact assessment, protection of natural and cultural assets, necessary research works for the elaboration of the preliminary design and general concept of justifiability of the construction of the facility, order the development of the general design, prior feasibility study and the feasibility study.

(2) The Minister shall adopt the Regulation on the contents and control of the technical documentation from Sections 1 and 2 of this Article.

Article 98
(1) The Minister shall adopt a regulation stipulating in more detail the procedure for calculation of areas and volumes of facilities.

(2) In the process of production of spatial development documents, production of technical documentation, calculation of compensations envisaged by provisions of this Law, in the course of construction of facilities, calculation of area sizes and volumes of constructed facilities during their entry into public records etc., calculation of area sizes and volumes of facilities shall be performed in accordance with provisions of the regulation referred to in Section 1 of this Article.

2.1 Preliminary and main design

Article 99

(1) The preliminary design shall be a set of mutually reconciled blueprints and documents which provide the basic formatively-functional and technical solutions for the building, and the display of the building’s setting in space.

(2) The preliminary design shall contain: technical description, positioning solution, building floor plans, typical cross-sections and facades.

(3) The preliminary design, depending on the complexity and the technical structure of the building, may also contain other blueprints and documents, if they are of significance for preparation of the main design, such as:
   a) description of the technological process,
   b) technological designs, and
   c) description of the application of a particular construction technology, and similar.

(4) The preliminary design must contain the specification of works that will be carried out in accordance with Section 3 of this Article.

Article 100

(1) The main design shall be a set of mutually reconciled designs which provide the technical solution for the building, display of the building's setting in space, shall prove the fulfilment of the important requirements for the building, other requirements from this Law and other laws, the technical norms and regulations adopted on the basis of those laws.

(2) The main design shall constitute the basis for the issuance of the building permit.

(3) The main design, together with the building permit, shall be permanently preserved by the administrative authority which has issued the building permit and the investor or owner of the building.

(4) The main design shall constitute the basis for execution of works on construction of the building.

Article 101

(1) The main design shall be prepared in accordance with the site permit, that is, the urban-technical conditions for individual residential and individual residential-commercial facilities with a gross construction area of less than 400 m², except for complex facilities in terms of this Law, which are built in the area for which a spatial operational document or an out-of-town document has been adopted, and depending on the type of facility and the technical structure of the building, shall contain: architectural design, construction design, installation designs, technological process design, equipment installation design and other designs, which must be mutually reconciled.

(2) The designs from Section 1 of this Article, depending on the type of building and the technical structure of the building, shall contain:
   a) technical description with possibly special requirements for execution of works,
b) excerpt from the cadastral plan with marked siting of the building and marked neighbouring buildings, and for the buildings which are constructed in a wider area, the siting of the building shall be presented on a geodesic background at an appropriate scale,
c) necessary graphical display of design solutions, such as: bases, cross-sections, facades, and blueprints which define the supporting set of the structure,
d) studies, or calculations of statics, hydraulics, energy and energy efficiency, physical characteristics of the building, etc., which prove that the building has been designed in accordance with the provisions of this Law,
e) survey, or information on geo-technical and geo-mechanical characteristics of the soil as well as other survey works which served as the basis for making of the design,
f) design of landscape for the buildings with a gross construction surface area of over 400 m²,
g) bill of quantities for all the works, with a description of works and demonstrated total price of the facilities, price of construction works and unit price per square meter of useful floor area of the facility,
h) fire protection report or study,
i) environmental protection study, in the case of purpose of the building which is defined as an activity that may endanger the environment,
j) study on waste disposal, in the case of waste for which the disposal measures are stipulated by separate law, and
k) report on health and safety at work.

(3) The study on geo-technical and geo-mechanical characteristics of the soil from Section 2, Subsection e) of this Article, which serves as the basis for defining the manner of the founding of buildings, shall be made in accordance with the provisions of the law which governs geological survey in the Republic.

Article 102

(1) Production of the main design for complex facilities in the context of this law in technical-technological and functional sense, as well as for facilities that may pose a threat on the environment, natural values and cultural and historical goods, shall be proceeded by production of concept design, which shall determine basic technical and technological conception of the facility, discuss functionality and rationality of designed solutions and form of the facility.

(2) The concept design for facilities referred to in Section 1 of this Article shall have to be subject to a public tender carried out by the investor, in order to ensure optimal designing solution.

(3) If the main design has been produced in a foreign language, it shall have to contain a translation to one of the official languages in use in the Republic.

(4) If the main design has been produced pursuant to regulations of other countries, it shall have to be validated, at which time compliance of the design with regulations that apply to those types and purposes of facilities in Republic is verified.

(5) The main design, on the basis of which a certain facility had been constructed, may be used for construction of another such facility, pending the certified consent, in written form, by the investor and the designer that had produced the design in question, and under the condition that the design is adjusted to site permit, i.e. urban development and technical conditions, the building plot, connections for facilities and devices of utility infrastructure and the geo-mechanical report.

(6) In the case referred to in Section 5 of this Article, copyrights shall be protected in compliance with a special regulation.

2.2 Construction design and as-built design

Article 103
The construction design shall be made as necessary for the buildings for which it was not possible in the main design to provide the detailed blueprints and their textual descriptions for execution, which depend upon the technology of building construction, the equipment available to the contractor and similar and it must be in accordance with the requirements from the building permit and approved by the main design producer.

Article 104

(1) The as-built design shall be an appendix to the main design with all the changes that occurred in the course of construction drawn within, which are in accordance with the issued building permit and which have been approved by the designer of the main design, the main auditor and the person performing supervision, apart from the changes requiring previous modification and amendment of building permit and the main design in accordance with provisions of this Law.

(2) The as-built design from Section 1 of this Article shall constitute the basis for performance of technical inspection of the building and issuance of the certificate of occupancy.

(3) If the supervisory authority and the contractor have made a statement that the facility has been fully completed in accordance with the building permit and the main design, the as-built design is not required.

2.3 Certification of design documentation

Article 105

(1) Designs from Articles 99 to 104 of this Law, i.e. their parts and each page of the blueprint, must contain:
   a) identification of the legal entity which made the design,
   b) name of the building,
   c) name and title of the investor,
   d) identification or number of the design, or its part,
   e) type of technical documentation,
   f) type of blueprint, measurement in which the blueprint has been made and the date of making,
   g) name of the designer and the main designer, and
   h) signature and stamp of the designer, as well as the number of the licence and the stamp of the legal entity.

(2) By certifying the design, or the blueprint, the legal entity which made the design shall confirm that the design is complete, its parts are mutually reconciled, and that it complies with the provisions of this Law and other laws, as well as with the provisions of other regulation adopted of the basis of those laws and the rules of the profession.

(3) The technical documentation and its parts must be bound and sealed.

(4) Alongside the design, there must be a bound copy of the licence of the legal entity which made the design and the copy of the licence of the main designer and the designers of the particular parts of the design.

(5) If the design is subject to audit, the report on design audit shall be kept as an appendix to the design.

2.4 Quality control documentation and instructions for equipment maintenance and utilization

Article 106

(1) Quality control documentation shall comprise of all the attestations for installed materials and equipment, results of final measurements and tests that have been performed in
compliance with special regulations and norms adopted on the basis of the law and rules of the profession.

(2) The investor shall be under obligation to submit all the quality control documentation to the technical examination commission in the course of examination of the facility.

Article 107

(1) The investor of equipment in facilities with manufacturing activities shall be under obligation to prepare clear instructions on utilization and maintenance of equipment and facility, as well as the corresponding warranty sheets for installed equipment.

(2) Instructions referred to in Section 1 of this Article shall have to be written in one of the official languages in use in the Republic.

(3) Instructions for maintenance shall stipulate the periods of obligatory regular inspections, deadlines and the scope for periodic inspections, as well as the scope of works of regular maintenance of facilities and plants.

3 Participants in construction

Article 108

(1) Participants in construction shall be the following: the investor, the designer, the auditor of technical documentation, the contractor, and the supervisory institution.

(2) Relations between participants in construction shall be regulated by a contract that must contain all relevant elements in terms of the subject of the contract, deadlines, price of contracted works and payment terms.

(3) The contract referred to in Section 2 of this Article, which refers to preparation, audit or validation of technical documentation, forms an integral part of technical documentation for the purpose of which it was made.

Article 109

(1) Designing, audit of technical documentation, construction, professional supervision over construction, and performance of energy audit shall be entrusted by the investor to the persons holding appropriate licences.

(2) The investor shall ensure professional supervision over construction from the date of beginning of execution of preparatory works.

(3) The investor shall not be under obligation to ensure professional supervision for facilities for which a building permit is not required.

(4) The investor shall be under obligation to report on the beginning of construction to the competent urban development and construction inspection, eight days before the beginning of execution of the works, at the latest.

(5) With the application referred to in Section 4 of this Article, the investor shall be obliged to submit:
   a) a building permit,
   b) contract on the supervision,
   v) construction contract and
   g) minimization record of the facility.

(6) If the investor changes during construction, the new investor shall be under obligation to inform the competent urban development and construction inspection on the change that had onset.

3.1 Production of technical documentation

Article 110
(1) Production of technical documentation for all types of works or only for particular types of works (hereinafter: the phase) may be performed by the legal entity which has the appropriate licence for performing these operations.

(2) The licence for production of technical documentation with all its parts or phases shall be issued by the Minister to the legal entity which:
   a) is registered in the court registry,
   b) has appropriate professional results in the jobs of preparation of appropriate technical documentation, and
   c) has, for each phase, permanently on full-time employment basis, pursuant to the laws which govern the employment relations, at least:
      1) two graduated engineers of appropriate qualifications holding the licence for making of every phase of technical documentation, for the buildings for which the building permit is issued by the Ministry, or
      2) one graduated engineer with appropriate qualifications holding the licence for making of every phase of technical documentation, for the building for which the building permit is issued by the competent administrative authority of the local self-government unit.

(3) Preparation of technical documentation for individual residential and residential-commercial buildings with a gross construction area of up to 400 m², except for complex facilities in terms of this Law, for all phases or only certain phases may also be carried out by a legal entity that:
   a) is registered in the court registry,
   b) has appropriate professional results in the jobs of preparation of this type of technical documentation and
   c) has on full-time employment basis, in accordance with the laws governing employment relations, at least one engineer with a higher education of the relevant profession, with a licence for development of suitable phase of technical documentation for this type of facilities.

(4) The licence for preparation of particular phase of technical documentation shall be issued to the natural persons who have:
   a) higher education, i.e. graduated engineers of appropriate qualifications and speciality or graduated engineers with completed undergraduate first-cycle studies which last for four years, upon completion of which 240 ECTS points are acquired in the said scientific field or higher education, i.e. an engineer of appropriate profession and speciality,
   b) a passed professional examination, and
   c) at least three years of experience in the jobs of preparation of technical documentation.

(5) Professional results referred to in Sections 2 and 3 of this Article shall imply that the legal entity or the natural persons employed in that legal entity, have prepared or took part in preparation of technical documentation under which the buildings of such type and purpose had been constructed.

(6) The person who has the appropriate qualification with a university-level degree, i.e. a graduated engineers of appropriate qualifications and concentration or a graduated engineer with completed undergraduate first-cycle studies which last for four years, upon completion of which 240 ECTS points are earned in the chosen field of studies, with at least one year of experience in making of the technical documentation and a passed professional examination, shall acquire the title of designer associate.

(7) If the legal entity performing preparation of technical documentation does not have the licence for each phase in the design, it may, under a contract, engage other legal entities licensed for the phases of the design which are not covered by its licence.

Article 111
(1) The legal person performing designing shall appoint one or more designers who shall be responsible for the accuracy and quality of the designing or a designing phase.

(2) The designer shall be responsible for ensuring that the designing, or the phase for the production of which he/she had been appointed, meets the conditions from this law and other laws, regulations adopted on the basis of those laws, technical norms and rules of the profession, and to ensure that the main design is in compliance with the site permit.

(3) If, in the course of production of the main design, or the design for removal of a facility, is participated in by a number of designers, the legal person to which the production of the design had been entrusted shall appoint the main designer who may, simultaneously, be the designer for a certain type, i.e. phase of the design.

(4) The main designer shall be responsible for the completeness of technical documentation and for mutual harmonization of the designs, which he/she shall confirm with a signature and a seal.

(5) If a number of legal persons are participating in production of technical documentation, the legal person referred to in Article 110, Section 7 of this Law shall be required to appoint the design coordinator.

(6) The provision referred to in Section 4 of this Article shall also apply to the responsibility of the design coordinator.

(7) Civil servants and officers in administrative institutions of units of local self-governance cannot be engaged in production and auditing of technical documentation and supervision over construction.

3.2 Audit and validation of technical documentation

Article 112

(1) Audit of technical documentation with all its parts or phases may be made by the legal entity which holds the appropriate licence for performing such work.

(2) The licence for audit of the technical documentation with all its parts or phases shall be issued by the Minister to the legal entity which:
   a) is registered in the court registry,
   b) has the appropriate professional results in making and audit of the appropriate technical documentation, and
   c) has, for each phase in permanent full-time employment pursuant to the laws which govern the employment relations, at least:
      1) two graduated engineers of appropriate qualifications holding the licence for auditing of every phase of technical documentation that it is performing, for the building for which the building permit is issued by the Ministry,
      2) one graduated engineer with appropriate qualifications holding the licence for auditing of every phase of the technical documentation that it is performing, for the building for which the building permit is issued by the competent administrative authority of the local self-government unit.

(3) The licence for audit of a particular phase of the technical documentation shall be issued to the natural persons who has:
   a) appropriate professional qualifications with higher education, i.e. graduated engineers of appropriate qualifications and speciality or graduated engineers with completed undergraduate first-cycle studies which last for four years, upon completion of which 240 ECTS points are acquired in the said scientific field,
   b) a passed professional examination, and
   c) at least six years of experience in the jobs of preparation or auditing of technical documentation.
Article 113

(1) If the legal entity does not have the licence for the audit of each phase in the project, it may, under a contract, engage one more legal entity at most which is licensed for the audit of the phases of the project which are not covered by its licence.

(2) Notwithstanding the provision from Article 112, Section 1 of this Law, the audit of the technical documentation may be performed by a higher education institution or another public institution which is engaged in research or educational activity from the domain of building design and construction, provided that it is registered in the court registry for the activity of technical counselling in relation to design and if it meets the conditions from Article 112, Section 2 of this Law in terms of the number of employed expert persons who hold the appropriate licence from Article 112, Section 3 of this Law.

(3) The audit of technical documentation cannot be entrusted to a person who was engaged in any way in the production of technical documentation or if this documentation was made in whole or in part by the legal entity in which that person was employed.

(4) Auditing of technical documentation shall be performed for all facilities except for the facilities that, according to the provisions of this Law, do not require building permit and individual residential facilities and individual residential-commercial facilities with a gross construction area up to 200 m², unless they are complex facilities in terms of this Law.

Article 114

(1) The legal person performing the audit of technical documentation shall be under obligation to appoint the main auditor, who shall be responsible for the coordination of control of individual phases or parts of technical documentation.

(2) The main auditor referred to in Section 1 of this Article shall organize production of the final report on control of total technical documentation, on the basis of reports on control of individual portions of technical documentation that shall be attached to the final report.

(3) In the course of auditing technical documentation, the auditor shall check the following:
   a) whether the documentation is complete,
   b) whether the documentation had been produced by a legal person with a licence for production of technical documentation for a certain type of facilities,
   c) whether the documentation had been produced in compliance with the site permit, that is, the urban-technical conditions for individual residential and individual residential-commercial facilities with a gross construction area of less than 400 m², except for complex facilities in terms of this law, which are built in the area for which implementing spatial planning document has been adopted or in an out-of-town area,
   d) whether the designing solutions meet the conditions in connection with the safety of facilities under Article 4 of this Law, and
   e) whether the designing solutions had been produced in compliance with current technical standards, regulations, rules of the profession and provisions of other laws.

Article 115

(1) If technical documentation had been produced in another state, it shall be obligatory to perform validation of technical documentation.

(2) Validation of technical documentation shall also comprise audit.

(3) Validation of technical documentation may be performed by a legal person holding the corresponding licence for auditing technical documentation obtained pursuant to provisions of this Law.
3.3 Construction of a facility

Article 116

(1) Construction, i.e. performance of works on a facility may, pursuant to this Law, be performed by a legal person holding a licence for the performance of that activity (hereinafter: the contractor).

(2) Notwithstanding Section 1 of this Article, the construction of individual residential and individual residential and commercial buildings with a gross construction area of up to 200 m$^2$ for the needs of their family household and construction of facilities for which a building permit is not required in accordance with the provisions of this Law may be invested directly by the investor.

(3) The Minister shall issue the licence for facility construction to a legal person that:
   a) is registered in the court registry,
   b) has corresponding professional results in the construction of facilities of that type and with that purpose,
   c) has corresponding technical and technological equipment,
   employs, with full working hours, in compliance with laws governing employment relations, at least:
      1) two engineers with higher education in the corresponding occupation and speciality, or two engineers who graduated from basic studies of the first cycle that last four years, and upon graduation from which one obtains 240 ECTS points in the aforementioned scientific field, holding a licence for the construction of facilities of that type and with that purpose, for facilities for which building permits are issued by the Ministry, i.e.
      2) one engineer with higher education in the corresponding occupation and speciality, or one engineer who graduated from basic studies of the first cycle that last four years, and upon graduation from which one obtains 240 ECTS points in the aforementioned scientific field, holding a licence for the construction of facilities of that type and with that purpose, for facilities for which building permits are issued by the administrative institution of the unit of local self-governance,
   e) having an appropriate number of qualified workers.

(4) As an exception from the provision of Section 3 of this Article, for facilities that, in accordance with their significance and complexity, the building permit could be issued by the competent institution of the unit of local self-governance, and for which the building permit is being issued by the Ministry because of the fact that the facility is located in a protected zone or in a protective belt, the contractor may be a person with a licence for construction of facilities for which the building permit is issued by the competent institution of the unit of local self-governance.

(5) Construction of smaller facilities with standard construction and gross construction area of up to 1.500 m$^2$ and the total number of floors of up to five floors, apart from facilities for which the building permit is issued by the Ministry, may also be performed by a legal person that:
   a) is registered in the court registry,
   b) has corresponding professional results in the construction of facilities of that type and with that purpose,
   c) has corresponding technical and technological equipment,
   employs, with full working hours, in compliance with laws governing employment relations, at least one engineer who graduated from basic studies of the first cycle that last three years, and upon graduation from which one obtains 180 ECTS points, or one engineer with two years of tertiary education in the corresponding area holding a licence for construction of facilities of that type and for that purpose, and
   d) having an appropriate number of qualified workers.

(6) Craft works and construction of facilities not requiring building permit in accordance with the provisions of this Law may be performed by an entrepreneur.
(7) Professional results referred to in Sections 3 and 5 of this Article shall imply that the physical persons, who are employed with full working hours in the context of the law governing employment relations, have constructed, i.e. participated in construction, of facilities of that type and for that purpose.

(8) The licence for construction referred to in Sections 3 and 5 of this Article may be issued to a physical person who has the corresponding professional qualifications, expert exam passed, and at least two years of work experience on activities of constructing facilities of a certain type and purpose.

(9) If two or more contractors participate in the construction, the investor shall be under obligation to appoint the chief contractor who shall be responsible for mutual harmonization of works in the course of construction of the facility.

Article 117

(1) In the course of construction of a facility, the contractor shall be under obligation to:
   a) construct in compliance with the building permit,
   b) perform works in such a manner that the technical characteristics of the facility correspond to the requirements of this Law,
   c) install materials, equipment, devices and products in compliance with the provisions of this Law and regulations on construction products,
   d) ensure evidence on the quality of works and installed products and equipment in compliance with the provisions of this law, technical norms and regulations and requirements of the main designing,
   e) ensure the measurement and geo-mechanical examination of the land and the facilities in the course of construction,
   f) undertake measures for the safety of the facility, the works, the equipment, devices and materials, for the safety of workers, participants in traffic and safety of neighbouring facilities,
   g) organize the construction site in compliance with this Law and regulations adopted on the basis of this Law,
   h) in the course of construction, maintain construction log, inspection book and construction log for facilities for which an obligation of its keeping has been contracted,
   i) inform, without any delay, the competent institution, when in the course of construction or execution of other works, it encounters facilities having a feature of natural or cultural and historical heritage and undertake the necessary measures of protecting the site,
   j) inform, in writing, the investor, the competent institution that has issued the building permit and the competent inspection on the shortcoming in the technical documentation and on unforeseen circumstances that are of significance for the execution of works and for the utilization of technical documentation,
   k) secure the surroundings and the facility it is constructed in case of discontinuation of works,
   l) facilitate to construction inspection free access to the construction site and the documentation, and
   m) compile a report on the works executed upon the finalization of construction.

(2) The contractor referred to in Article 116, Section 1 of this Law shall appoint the person responsible for construction, and in case it performs only individual works, it shall appoint the person responsible for the performance of those works.

(3) The person responsible for construction shall have to hold a licence for construction and shall be accountable for the fulfilment of conditions referred to in Section 1 of this Article.

3.4 Supervision over construction of facilities

Article 118
(1) Supervision over construction may, on behalf of the investor, be performed by a legal person or a physical person holding a licence for activities of construction, production of technical documentation, or auditing of technical documentation (hereinafter: the supervisory institution).

(2) The enactment on the appointment of the supervisory institution shall be submitted by the investor to the competent urban development and construction inspection and the contractor.

(3) Depending on the level of complexity of the facility, the legal person that is performing supervision over construction on behalf of the investor may form a supervisory team and appoint the team coordinator.

(4) The coordinator of the supervisory team shall be appointed from the ranks of supervisory engineers holding corresponding licences and shall be responsible for the harmonization of work of the team on the construction of individual phases, in the construction of the facility or parts of the facility.

(5) Supervision over construction cannot be entrusted by the investor to the same legal person to whom it had entrusted the construction of the facility, except of the investor is at the same time also the contractor for the works.

Article 119

In the course of performing professional supervision, the supervisory institution shall be under obligation to:

a) determine the harmonization of the markings of the facility with the minutes of the markings of the facility and the designing,

b) ensure that the works on the facility are being performed in compliance with the building permit, the technical documentation, and this Law, and if the investor refuses to act in line with its instructions and continues with the construction of the facility in contravention with the building permit and the technical documentation, it shall be under obligation to state that in the construction journal and to inform the competent urban development and construction inspection without any delay,

c) determine that the quality of works, installed construction products and equipment are in compliance with the requirements of designing, conditions stipulated in this and other laws, regulations adopted on the basis of those laws, technical norms and standards, and to attend the obtaining of control samples, i.e. samples used on the construction site to prove the quality of installed construction products,

d) inform, in writing, the competent urban development and construction inspection in case the results of testing the installed materials are not in compliance with the regulations,

e) confirm the execution of works by signing the construction journal, to control the construction book (when it is kept) and control all changes in the technical documentation,

f) inform the competent institution, without any delay, when in the course of construction or execution of other works, it encounters facilities with features of natural or cultural and historical heritage and undertakes the necessary measures to protect the site,

g) inform, in writing, the investor, the competent institution that had issued the construction licence and the competent inspection on shortcomings in the technical documentation and unforeseen circumstances of significance for the execution of works and utilization of technical documentation, and

h) compile a report on supervision performed over the construction of the facility.

3.5 Issuance and revocation of licences issued to physical and legal persons

Article 120
(1) Licences for physical persons that are issued pursuant to this Law shall be valid for four years from the date of issuance.

(2) Upon the expiry of the deadline referred to in Section 1 of this Article, the legal person that had held the licence shall be issued a new licence pursuant to this Law, upon its request and on the basis of evidence submitted.

(3) Licences shall be issued to physical persons without a specified deadline of validity.

Article 121

(1) A legal person that has received a licence in compliance with provisions of this Law shall be under obligation to inform the Ministry in writing on any change to the conditions defined in the process of issuance of the licence, and provide the Ministry with a proof on fulfilment of conditions for keeping the licence within the next 30 days.

(2) The Ministry shall, ex officio, or upon an initiative of inspection and other state institutions, legal persons and citizens, perform the control of fulfilment of conditions stipulated in the process of issuance of the licence.

(3) If the Ministry determines that the conditions, in the moment of control referred to in Section 2 of this Article, are not fulfilled, or that the legal person is performing tasks contrary to the rules of the field and the profession, and provisions of this Law, it shall issue a decision revoking the licence issued to the legal person, within the deadline of eight days from the date of determining the irregularity.

(4) In the case referred to in Section 3 of this Article, the legal person cannot be issued a new licence within the forthcoming six months.

(5) Decisions referred to in Section 3 of this Article shall be final and enforceable as of the date of their delivery to legal persons they concern, and shall be published in the “Republic of Srpska Official Gazette”.

Article 122

(1) When the Minister determines that an authorised natural person unscrupulously and unprofessionally performs the tasks for which the licence is given to them or performs duties contrary to the rules of the profession, professional ethics and morality, and contrary to the provisions of this Law and the regulations adopted on the basis of the Law, the decision shall revoke the licence.

(2) The licence given to a natural person contrary to the provisions of the Law and regulations adopted on the basis of the Law shall be void.

Article 123

(1) The Minister shall adopt the regulation stipulating in more details the conditions for the issuance and revocation of licences for the production of spatial development documents, the production, audit and validation of technical documentation, construction and supervision over construction of facilities, and issuance of energy certificates for buildings, to physical and legal persons.

(2) The regulation referred to in Section 1 of this Article shall regulate the following:
   a) special conditions for the issuance of licences to physical and legal persons and the method of proving their fulfilment,
   b) minimal conditions for technical and technological equipment and the necessary number of workers of the legal person,
   c) the structure, selection of members of professional commissions checking the fulfilment of conditions, their authorities and method of operations,
   d) contents and form of decisions on granting licences,
e) reasons and benchmarks for the revocation of licences, the procedure of revocation and deadlines for which the licence may be revoked,
  f) conditions for ensuring independence of persons with licences,
  g) the outlook, the contents and the dimensions of the seal of the authorised person and method of utilization, and
  h) keeping the registry of licences issued to physical persons and legal persons.
(3) The registry of licences issued to physical and legal persons shall be published on the internet site of the Ministry.

4 Building permit

Article 124

(1) Construction of a building may be started only on the basis of the decision by which the building permit is issued, with the exception of the cases when obtaining building permit is not mandatory in accordance with the provisions of this Law.
(2) The building permit shall be issued for construction of the entire building or of a part of the building which constitutes a technical, technological or functional whole.
(3) The building which is being constructed or has been constructed without a building permit may not be connected to utility and other infrastructure installations.
(4) The preparatory works shall be carried out on the basis of the building permit from Section 1 of this Article.

4.1 Works which do not require a building permit

Article 125

(1) The building permit shall not be required for:
  a) outbuilding and development of the building plot for an individual residential building for which the building permit has been issued, which assumes the construction of pathways or hard surfaces, garden pool or pond, fence and garden fireplace,
  b) awnings, greenhouses, water tanks and cesspools, which are built on the plot of the individual residential building for which the building permit has been issued,
  c) setting up of the greenhouses indented only for agricultural production,
  d) temporary buildings for the needs of fairs and public event approved under separate regulations with the maximum period of validity of 90 days, after which the building must be removed,
  e) cantilevered canopies for outdoor cafés,
  f) basic children's playground and the foundations for fixed children's playgrounds,
  g) awnings for use as shelter from the elements for persons using mass transit,
  h) billboards,
  i) aerial connections to low voltage and TT network,
  j) sports fields without stands which are resting on the ground with their entire surface area (tennis courts, football fields, etc.),
  k) park tracks and other similar works on the landscape architecture facilities,
  l) works on stairways, hallways and similar locations, on changes of access to the building and within the building for the purpose of allowing unobstructed access and movement within the building for persons with impaired physical abilities,
  m) works on replacing and restocking of equipment,
  n) setting up of containers and petty storage of explosive matters in the amount of up to 500 kg,
o) setting up of temporary aboveground tanks with devices for fuel dispensing and metering, for the purpose of supply of own motor vehicles in the construction sites, agricultural cooperatives, and within the business premises of companies, with capacity of up to 30,000 litres
p) setting up of mobile tanks for storage of liquefied petroleum gas of individual volume of up to 5 m³, which is used for indoor heating, and
q) automatic anti hail stations of I, II and III order.
(2) Surface area and height of the buildings from Section 1 of this Article shall be stipulated by the local self-government unit by virtue of its decision.
(3) Together with the request for staking out of the building, the investor shall be required to submit proof of paid fees from Article 74 of this Law.
(4) The investor shall be required to report the carrying out of works from Section 1 of this Article to the competent urban planning and construction inspectorate, and the works shall be carried out on the basis of the preliminary design, location permit and report on staking out of the building.

Article 126

(1) In case of immediate danger from major natural disasters or other devastation, in the course of such events or immediately after they have ceased, buildings which serve to prevent the effects of such events or removal of the harmful consequences may be constructed without the building permit.
(2) The building from Section 1 of this Article must be removed once the need for its use has ceased, and if it is necessary to have that building remain permanent, a building permit must be obtained for it subsequently, within six months from the cessation of the reason for its construction.
(3) The degree of damage to the building shall be determined by the expert committee for damage evaluation which is comprised of authorised experts with civil engineering, architecture, electrical engineering, and, as required, mechanical engineering qualifications, which is appointed by the competent authority of the administration in the local self-government unit.
(4) The expert committee from Section 3 of this Article shall determine the degree of damage to the building, as well as the works which need to be carried out before its restoration by means of visit to the locality of the damaged building.
(5) In the case the structural elements of the building are not damaged as a result of forces from Section 1 of this Article, the building may be restored to its original condition without a building permit, and in accordance with the building permit on the basis of which it had been built.
(6) If the expert committee from Section 3 of this Article were to determine that a particular building has suffered major damage to the structural parts of the building, the investor shall be required to accompany the request for restoration with the technical documentation for the reconstruction of the building and attestation on examinations carried out on the building’s structure, and the authority of the administration, on the grounds of the attached documentation, shall issue the rebuilding permit, which must be aligned with the building permit on the basis of which the building had been built.
(7) The rebuilding permit from Section 6 of this Article shall also specify the requirement for obtaining the certificate of occupancy for the restored building.
(8) If the building is completely dilapidated, rebuilding of another such building in the same locality may begin after a new building permit has been obtained.
(9) For facilities referred to in Sections 7 and 8, if damaged or devastated in the war, the building permit is issued without paying an annuity and compensation for the costs of arranging urban building land, if it is in the existing dimensions of the object being rehabilitated.

4.2. Competence over issuance of building permits and documentation submitted with the application for building permit
Article 127

(1) The building permit shall be issued by the authority of the administration which is competent for construction operations at the local self-government unit in whose territory the building is constructed.

(2) Notwithstanding Section 1 of this Article, the Minister shall issue the building permit for buildings from Article 60, Section 2 of this Law.

(3) The decision of the Minister granting the building permit shall also be submitted to the competent authority of the local self-government unit in whose territory the building is constructed.

(4) A copy of the building permit shall be delivered to the competent urban planning and construction inspection.

(5) The competent authority referred to in Sections 1 and 2 of this Article shall manage the registry of the issued building permits which it will publish on its web page.

Article 128

(1) Together with the application for issuance of the building permit, the investor shall attach:
   a) the site permit,
   b) the proof of settled proprietary-legal relations,
   c) the concession agreement or a public-private partnership, if a concession is granted or a contract on public-private partnership is signed under separate regulations for the required construction,
   d) the main design in three copies,
   e) the report on audit of the technical documentation in accordance with Article 114 of the Law,
   f) the report and certificate of validation in the cases from Article 102, Section 4 of this Law,
   g) environmental permit, if required or a decision on approval of environmental impact assessment study pursuant to environmental protection regulations and
   h) other evidence specified by separate laws.

(2) Decision on the determination of the amount of compensation for the construction of urban construction land and annuities, and proof of payment of the determined amount of compensation, or the contract on the manner of settlement of these obligations, to the competent authority at his request before issuing the building permit.

(3) Notwithstanding Section 1 of this Article, for individual residential buildings and individual residential and commercial buildings with gross construction surface area less than 400 m², with the exception of complex buildings in the sense of this Law, which are constructed in space for which the implementing spatial development document has been adopted or in non-urban area, the site permit shall not be needed for issuance of the building permit.

(4) In the instance from Section 3 of this Article, the application for issuance of the building permit, in addition to other evidence from Sections 1 and 2 of this Article, shall also be accompanied by the urban planning and technical requirements for which the authority determines whether they have been aligned with the applicable spatial planning document.

Article 129

(1) In addition to application for issuance of a building permit, as evidence of settled proprietary-legal relations over the land referred to in Article 128, Section 1, item b) of this Law, the following shall be delivered:
   a) excerpt from the public records on real estate,
   b) contract or decision of the competent court suitable to serve as the grounds for acquisition of ownership rights or rights to construct in favour of the investor,
c) contract on joint construction effort concluded with the owner of the land or immovable property.

(2) An application for the issuance of a building permit on building land owned by several persons shall be accompanied by an excerpt from the public register of real estate and a contract on mutual relations between investors and all co-owners of land, concluded in accordance with a special law.

(3) An application for issuing a building permit for the execution of works on a facility owned by several persons shall be accompanied by an excerpt from the public records and a contract concluded in accordance with a special law.

Article 130

(1) In the process for issuance of building permit for buildings of public interest, a special decision of the Government which is adopted pursuant to the Law on Expropriation and which allows entry into possession of expropriated real estate before the decision becomes final, may be considered as proof on settled property and legal relations over the land.

(2) In the case of given concession or confiscation of communal services in accordance with a special law, or when, for the purpose of achieving a public-private partnership, state land entered as founding capital into a newly established company, as evidence from Article 129 of this Law, is considered a contract concluded with the Government or unit local self-government and a public-private partnership agreement concluded with a public partner in accordance with a special law.

4.3. Deadline, procedure for issuance and contents of building permits

Article 131

(1) The competent authority shall decide upon the application for issuance of the building permit within 15 days from the date of receipt of the application that is accompanied by the stipulated documentation.

(2) The main design is an integral part of the building permit, which must be indicated on the design and verified by signature of the clerk and the seal of the competent office which has issued the building permit.

(3) In cases when the audit of the main design is not necessary under this Law, the competent authority of the administration shall be required to determine whether the main design is complete, whether it has been prepared in accordance with the site permit and urban planning and technical requirements for buildings from Article 128, Section 3 of this Article and whether it has been prepared by a legal entity which is licensed for making of technical documentation.

Article 132

The building permit shall contain:

a) the information about the investor,

b) the information about the building for which the building permit is issued with the basic information about the use, dimensions and number of stories of the building, with the designation of the plot,

c) the title of the main design with the name of the legal entity with the licence which developed the main design and the name of the principal designer,

d) the report on audit of the technical documentation,

e) the observation that the main design is an integral part of the building permit,

f) period of validity of the building permit,
g) the obligation of the investor to report the beginning of carrying out of works to the competent urban planning and construction inspection eight days prior to the initiation of works, and

h) other data specific to the location and the building.

4.4. Issuance of building permits for preparatory works for complex facilities

Article 133

(1) As an exception from Article 124, Section 4 of this Law, the investor may, for complex facilities referred to in Article 60, Section 2 of this Law, submit an application for the issuance of a special building permit for preparatory works.

(2) Attached to the application for the issuance of the special building permit referred to in Section 1 of this Article, the investor shall be under obligation to attach the following:

a) the site permit,
b) evidence on resolved property and legal relations over land,
c) concept designing for facilities,
d) situation and the diagram of the construction site,
e) plan for protection against fire,
f) elaborated document on protection at work,
g) consents for connections to utility infrastructure and public roads, and
h) decision on transforming agricultural land into construction land.

(3) The deadline for the issuance of the building permit referred to in Section 1 of this Article shall be 15 days from the date of receiving a complete application.

(4) On the basis of the building permit referred to in Section 1 of this Article it shall be possible to perform preparatory works that shall include the following: construction of the fence around the construction site, the positioning of temporary facilities for the requirements of the construction site (office premises, premises for warehousing materials and equipment, sanitation facilities), and the preparation of internal transport communication lines.

(5) Prior to initiating the works on the construction of the facility, the investor shall be under obligation to ensure a building permit in compliance with Article 124 of this Law.

(6) As an exception from the provision of Section 5 of this Article, if the investor, on the basis of the permit referred to in Section 1 of this Article, plans to perform, in addition to preparatory works, other works on the construction of the facility, too, the concept designing shall, in addition to the contents already stipulated in Article 99 of this Law, also have to contain the specification of works that are planned to be performed on the basis of the concept designing, technical documentation for those works at the level of the main designing, bill of quantities and initial calculation for the works, detailed conditions for the performance of planned works and applied regulations, standards and other necessary data.

(7) In the case referred to in Section 6 of this Article, the building permit for the facility shall have to also cover the works that are being performed on the basis of the permit for preparatory works.

4.5. Temporary and prefabricated facilities

Article 134

(1) Temporary prefabricated facilities that are positioned for the requirements of fair and public events, and that shall not be removed within the deadline of 90 days from their positioning, may only be positioned on the basis of a building permit.
(2) Assemblies of units of local self-governance shall stipulate the method of issuance of site permits for cutting trees, developing facades, positioning of self-standing advertising objects, utilization of land for positioning of facilities for the purposes of camping, recreation etc.

4.6. Changes, amendments and period of validity of building permits

Article 135

(1) The investor shall be required to submit the application for changes or amendments to the building permit if he intends to make changes or amendments to the technical documentation or the main design following the issuance of the building permit or if he wishes in the course of construction to make changes in relation to the issued building permit or the main design which affect the position, purpose, structure, equipment, environmental protection or stability, functionality, dimensions, or the external appearance of the building.

(2) If the changes and amendments from Section 1 of this Article should pertain to the position, purpose, structure, equipment, environmental protection or stability, functionality, dimensions, or the external appearance of the building, the investor will first be issued an amendment to, i.e. change of, the site permit, provided that the aforementioned changes can be reconciled with the spatial development document on the basis of which the existing site permit had been issued, and if the amendments pertain to the structure, equipment and other elements not encompassed in the site permit, the amendments shall be made only to the building permit.

(3) Change or amendment to the building permit shall be carried out pursuant to the provisions of this Law which pertain to the issuance of the building permit.

(4) In the case described in Section 1 of this Article, when the investor, in the course of construction, wishes to make changes in relation to the issued building permit or the main design, he shall be required to suspend the work until such time as the change or amendment to the building permit is obtain, which is the responsibility of the supervising authority.

Article 136

The building permit shall cease to be valid if the construction of the building for which it has been issued does not start within three years from the date on which the building permit became final.

4.7. Preparation of the construction site, staking out of the building and reporting of the construction site

Article 137

(1) Works on preparation of the construction site shall be performed prior to the initiation of construction.

(2) The construction site must be fenced to prevent uncontrolled access to the construction site.

(3) For urban and suburban areas, assemblies of the local self-government units may adopt a decision on criteria for making of the fence, including the material, outward appearance, possibilities and conditions for advertising and the like.

(4) At the construction site which extends across large expanses (railway tracks, roads, power lines, etc.), the sections of the construction site which cannot be fenced must be protected by specific traffic signs or designated in some other way.

(5) In case of temporary occupation of the neighbouring or nearby land for the needs of the construction site, the investor shall be required to obtain the approval of the owner of that land.
(6) For the temporary occupation of public spaces for the needs of the construction site, the investor shall be required to obtain the approval of the competent authority of the local self-government unit or the public enterprise identified in separate law.

(7) The temporary buildings constructed and equipment installed at the construction site must be stable and meet the stipulated conditions of protection from fire and explosion, health and safety at work and all other measures of protection for the purpose of preventing threats to life and health of people.

(8) The construction site must have a posted board in a visible place containing all the important information about the building and participants in the construction, such as: the name of investor, contractor, designer, supervising authority, the name and type of the building, the name of the authority which has issued the building permit and the number of the building permit, as well as the time of initiation and completion of works.

(9) All temporary buildings built as part of the preparatory works, construction site equipment, unused construction and other materials, waste and the like must be removed, and the land in the territory of the construction site as well as the approach to the construction site brought into good condition in accordance with the site permit and the building permit prior to the issuance of the certificate of occupancy.

(10) Public areas and utility infrastructure facilities used or damaged during construction must be reinstated into functional state and the original function prior to issuance of operating permit.

Article 138

(1) Prior to commencement of the construction, staking out of the building shall be carried out in accordance with the site permit and the conditions provided in the building permit.

(2) Staking out of the building shall be done by the administrative authority competent over the spatial development affairs itself or it shall entrust this job to the legal entity authorised for carrying out these works.

(3) The competent authority shall be required to examine whether the excavation and foundations of the building have been performed in accordance with the report on staking out.

(4) The person who performed the staking out shall be responsible for the damages arising from wrong staking out in accordance with the regulations on indemnity.

Article 139

(1) The contractor shall be required to report the construction site, in accordance with the regulations on health and safety at work, to the employment inspection at least seven days prior to commencement of the works.

(2) The contractor must ensure the appropriate organizational scheme of the construction site developed in accordance with the conditions from the building permit, the report on health and safety at work developed in accordance with the regulations on health and safety at work, and ensure that the construction site is arranged according to organizational scheme site of the construction site.

(3) If multiple contractors are engaged at the construction site, that contractor which is appointed by the investor as the principal contractor must arrange the construction site in accordance with the scheme site of the construction site and organize performing of works in the manner in which the safety of the building, human life and health, traffic, neighbouring buildings and the environment are not threatened at the construction site.

(4) The contractor shall be required to ensure that the construction log is maintained at the construction site and for the buildings for which it is mandatory to maintain one or if the prices in the contract on construction are determined per unit of measurement the measurement book must be maintained.
Prior to commencement and in the course of carrying out of particular works, the contractor must review the main design and warn the investor, designer and reviser about possible shortcomings and request that they be removed.

If in the course of review of the confirmed main design the contractor identifies such faults which would threaten the safety of the building, human life and health, traffic, neighbouring buildings and the environment, and the investor or the designer do not remove the faults in spite of its warning, the contractor shall be required to report such faults to the urban planning and construction inspection and suspend the works until the final decision.

(7) It shall be the obligation of the contractor to have the following at the construction site:
   a) the construction licence or the licence for performing of particular works for the responsible person at the construction site,
   b) the decision on appointment of the responsible person at the construction site or the responsible person for performing of particular works,
   c) the contract on appointment of the supervisory authority,
   d) the appropriate licence for persons performing the expert supervision,
   e) the contract on construction,
   f) the building permit,
   g) the main design,
   h) the construction log,
   i) the book of inspections,
   j) the documentation on examination of the installed material, products and equipment under the examination program from the design,
   k) the report on staking out of the building,
   l) the report on control of the foundations,
   m) the measurement book for the buildings for which there is a stipulated obligation to maintain one, and
   n) the organizational scheme of the construction site.

5. The operating permit for the building

5.1 The technical inspection of the building and the application for issuance of the operating permit

Article 140

(1) The constructed building may not start to be used, i.e., put into use, before the competent authority issues the certificate of occupancy by means of the decision, on the basis of a previously conducted technical inspection of the building.

(2) The technical inspection shall encompass control of compliance of the executed works with the building permit and the technical documentation which was the basis for the construction of the building, as well as with technical regulations and standards which apply for particular types of works, materials, installations, equipment, devices and facilities.

(3) The technical inspection shall be carried out upon completion of the building construction, i.e. all the works foreseen in the building permit.

(4) The technical inspection must be carried out within 15 days at the latest from the date of filing of the complete application for issuance of the certificate of occupancy.

(5) The certificate of occupancy may also be issued for a part of the building which constitutes a separate technical and functional whole, before the completion of construction of the entire building, namely in the following instances:
   a) when this is necessary for the purpose of continuation and completion of construction such as: use of bridge for access to the construction site, electric substation and power lines for electricity supply, etc., and
b) when a particular part of the building may start to be used for the intended purposes before completion of the entire building.

Article 141

(1) The investor or the owner of the building shall submit the application for issuance of the certificate of occupancy to the competent administrative authority which has issued the building permit, once it ascertains together with the supervising authority that the building or its part have been built in accordance with the building permit in a way which makes it fit for use and that the as-built design has been made, in instances when there had been changes which do not warrant changes to the building permit.

(2) The application from Section 1 of this Article shall be made after the contractor has notified the investor that the building construction is complete.

(3) If the investor or the owner of the building does not submit the application for issuance of the certificate of occupancy in accordance with Section 1 of this Article, the application may be made by the contractor.

(4) The applicant from Section 1 of this Article shall submit the following in support of the application:
   a) the building permit with the as-built design in two copies, if it has been made and certified in accordance with Article 104 of this Law,
   b) the certificate on the conducted geodesic survey of the building,
   c) the evidence on the conducted survey of underground installations,
   d) the approvals for the as-built status, when this is foreseen in separate regulations,
   e) the statement of the contractor on the works carried out and the requirements for building maintenance from Article 60, Section 2 of this Law,
   f) the report from the supervisory authority, and
   g) the energy certificate of the building.

5.2. Committee for technical inspection of buildings and documentation for technical inspection

Article 142

(1) The technical inspection shall be carried out by the expert committee which is established by virtue of the decision from the authority which has issued the building permit (hereinafter: the committee) within three days from the date of receipt of the complete application.

(2) The committee shall consist of at least three members.

(3) The number of members in the committee shall depend upon the type and complexity of the building and on the type of works which are the subject of the technical inspection.

(4) Members in the committee may be those persons with adequate professional qualifications who are licenced for making of technical documentation or carrying out of work which are the subject of the technical inspection.

(5) Members in the committee may not be official persons employed with the authority competent over issuance of the building permit, persons employed by the contractor, or persons who have performed the work of expert supervision.

(6) The competent authority may entrust the technical inspection to a legal entity which holds a licence for making of technical documentation or for construction, provided that such legal entity, or the employees of that entity, have not performed the work of expert supervision in the course of construction of the building or took part in its construction.

(7) The list of legal entities from Section 6 of this Article or the natural persons as individual committee member shall be pricked from the ranks of licensed legal entities and natural persons, on the basis of a public competition which the administrative authority competent over issuance of the building permit shall carry out every two years.
Article 143

(1) The investor or the owner shall be required to provide for the presence of participants in the construction process in the course of the technical inspection.

(2) The investor or the owner shall be required, on the day of the technical inspection at the latest, present for examination the following documentation to the technical inspection committee:
   a) the building permit with the main design on the grounds of which the permit and the as-built design, if it has been made, have been issued,
   b) the proof of the quality of works, construction products and equipment,
   c) the documentation on performed examinations and results from testing of the structural bearing capacity, if testing is required under separate regulations,
   d) the construction log,
   e) the measurement book, for those buildings for which its keeping constitutes a contractual obligation,
   f) the book of inspections, and
   g) other documentation defined in separate regulations depending on the type of building.

5.3. 5.3. Deadline for performing technical inspection and report on technical inspection conducted

Article 144

(1) The competent authority, i.e., the legal entity that has been entrusted with the task to carry out the technical inspection, shall be required to notify the investor, the contractor, the competent urban planning and construction inspection, the committee, seven days prior to the technical inspection at the latest.

(2) The competent urban planning and construction inspector shall attend the technical inspection and may enter into the report of the committee his opinion and proposals with regard to the technical regularity of the building.

(3) The Minister shall adopt the Regulation stipulating in a more detail the procedure, organisation and carrying out of the technical inspection of the building and issuance of the certificate of occupancy and surveillance of the ground and the building in the course of its use.

Article 145

(1) A report on the conducted technical inspection shall be drawn up, which shall include the opinion of each member of the technical inspection committee on whether the constructed building is eligible for use, whether the identified shortcomings need to be eliminated beforehand, or whether the certificate of occupancy cannot be issued.

(2) The report on the conducted technical inspection shall be signed by the chairperson and members of the committee.

(3) After a completed technical inspection, the technical inspection committee shall be required to prepare a written report on the outcome of the technical inspection of the constructed buildings or the performed works within eight days from the date of the conducted technical inspection with the report referred to in Section 1 of this Article being an integral part thereof.

(4) The report referred to in Section 3 of this Article must contain the expert opinion of the commission whether the constructed building can be used or put into operation, approve trial work, can use, or put into operation or approve trial work only after removing the defects; or that the construction due to the deficiencies referred to in Section 11 of this Article shall be demolished or removed.

(5) If it is established on the grounds of the report from Section 3 of this Article that there
are no shortcomings or that the identified shortcomings have been removed, the competent authority shall be required to issue the certificate of occupancy within eight days from the date of receipt of the report.

(6) If shortcomings which need to be eliminated have been identified in the course of the technical inspection, the competent authority shall order by means of the decision to have the identified shortcomings eliminated within a particular deadline.

(7) Upon elimination of the shortcomings, the applicant shall be required to notify the competent authority and submit evidence of elimination of the shortcomings.

(8) Inspection of the eliminated shortcomings may be carried out by a sole member of the committee, and only those works are examined which needed repairing or finishing, i.e. the eliminated shortcomings, on which a report shall be prepared.

(9) If all the shortcomings have been eliminated, the competent authority shall issue the certificate of occupancy within eight days from the date of the conducted repeated technical inspection.

(10) If the identified shortcomings have not been eliminated in the additional allotted time, the competent authority shall issue the decision on refusal of the application for issuance of the certificate of occupancy and notify the competent urban planning and construction inspection about it.

(11) If it has been identified in the course of the technical inspection that the shortcomings on the building cannot be eliminated or that there is a threat to the stability of the building, the life or health of people, the environment, the traffic or the neighbouring buildings which cannot be eliminated, the competent authority shall reject the application for issuance of the certificate of occupancy and adopt the decision on removal of the building.

5.4. Issuance of operating permit and trial operation of the building

 Article 146

(1) The Report from Article 145, Section 3 of this Law shall constitute an integral part of the certificate of occupancy for the building.

(2) The certificate of occupancy shall be kept indefinitely by the administrative authority that has issued the building permit and the owner of the building.

(3) The costs of carrying out of the technical inspection shall be borne by the investor, i.e. the owner of the building.

 Article 147

(1) The competent authority may, upon the opinion of the technical inspection committee, issue the authorization for the trial operation for a building which, with regard to the technological process, installed installations, equipment and facilities, requires a trial operation.

(2) The authorization for the trial operation may be issued only if the technical inspection committee has determined that the building is constructed in accordance with the building permit and that the release of the building for trial operation does not threaten the lives and health of people, the environment and the neighbouring buildings.

(3) The trial operation from Section 1 of this Article may last up to one year at most and may be extended for another year in exceptional cases of particularly complex technological processes.

(4) The technical inspection committee shall be required to carry out the final technical inspection within eight days from the date of expiry of the trial operation.

6. Utilization, maintenance and removal of facilities
Article 148

(1) Facilities shall be used in compliance with their purpose.

(2) The owner of the facility shall be under obligation to maintain the facility in such a manner that in the course of the envisaged period of its useful life the technical characteristics of significance for the facility defined by this Law are preserved, i.e. that it is not allowed for the monument characteristics of the facility to be violated, if that facility is included in the list of cultural and historical monuments.

(3) The owner of the facility shall be under obligation to ensure the performance of works on investment and recurrent maintenance of the facility, as well as regular, extraordinary, and specialist examinations of the facility, in compliance with special regulations.

(4) The owner, i.e. the user shall be under obligation to ensure the execution of works of technical surveillance in the course of utilization for the following facilities: with more than 15 floors or that are over 50m high, high dams facilities, tunnels, bridges, and other facilities stipulated by special laws.

(5) In case of damages to facilities that pose a threat to the stability of the facility itself or any of its parts, and if there is danger to neighbouring facilities of safety of people, the owner of the facility shall be under obligation to undertake urgent measures for eliminating the hazards and to designate the facility as hazardous until the damages are eliminated.

(6) For facilities with more than one owner, all the co-owners and owners of individual parts of the facilities shall be solidarily accountable on the basis of the principle of objective accountability for damages occurred to third parties and cannot perform works individually or perform the replacement of devices on joint parts of the facilities in contravention with the provisions of the law on maintenance of residential buildings and provisions of this Law.

(7) The method of monitoring and behaviour of soil and buildings during construction and use, seismic and technical surveillance of the facilities referred to in Section 4 of this Article and the performance of regular and extraordinary specialist examinations and conditions for carrying out the examinations shall be stipulated in more detail in the Regulation referred to in Article 144, Section 3 of this law.

Article 149

(1) The owner of the facility may initiate the removal of the facility or its part only on the basis of a removal permit, unless the issue concerns removal based on a decision of an inspection.

(2) The permit for removal shall be issued by the institution in charge of spatial development in the unit of local self-governance, and for facilities referred to in Article 60, Section 2 of this Law, the permit for removal shall be issued by the Ministry.

(3) The following shall be attached to the application for removal of a facility:
   
a) evidence on the right of ownership,
   
b) designing for the removal of the facility, except for auxiliary facilities, individual residential facilities, and individual residential-commercial facilities with gross construction area of up to 400m², unless the facilities concerned are more complex facilities in the context of this Law,
   
c) consents of competent institutions if that removal may pose a threat on the public interest (a threat on cultural monuments, utility and other institutions), and
   
d) environment impact assessment in compliance with the special law.

(4) The designing for the removal of the facility shall contain the following:
   
a) drawings,
   
b) technical description of removing the facility,
   
c) method of removal of construction waste and development of the parcel, and
   
d) technology of removal of the facility.

(5) For the facilities referred to in Articles 125 and 134 of this Law the removal permit shall not be obtained.
(6) The competent institution shall decide on the application for issuance of a removal permit within the deadline of 15 days from the date of receiving the application with the stipulated documentation attached.

(7) The permit for removal of a facility shall be kept by the administrative institution that had issued the permit, and the owner of the facility, permanently.

Article 150

(1) The administrative institution in charge of activities of physical space development shall, ex officio, or upon an application of an interested party, issue a decision ordering the removal of a facility, or part of a facility, for which it is determined that, due to physical dilapidation, natural disasters, or war related effects, and major damages, it can no longer serve its purpose or that it represents a hazard for lives or health of people, surrounding facilities and transport, as well as stipulating the conditions and measured that need to be undertaken, i.e. ensured in the course of removal of the facility or a part of the facility.

(2) The circumstances referred to in Section 1 of this Article shall be determined on the basis of the findings and opinions of an authorised expert of the respective profession.

(3) An appeal lodged against the decision referred to in Section 1 of this Article shall not postpone the execution of the solution.

(4) If, in the process of issuance of the decision on removal of a facility or part of a facility it is determined that the hazard for lives or health of people, surrounding facilities and transport may be eliminated by reconstructing the facility or its part, it shall be possible, upon an application of the owner, pursuant to provisions of this Law, to approve the reconstruction of the facility or its part, taking into account that the reconstruction has to be performed within the deadline stipulated by the competent administrative institution.

V LEGALIZATION

1. Legalization procedure

1.1. Legalization definition and submitting applications for legalization

Article 151

(1) Legalization shall, in the context of this Law, represent subsequent issuance of the site permit, the building permit, and the utilization permit for facilities, i.e. parts of facilities constructed, initiated or reconstruction without a building permit, as well as for facilities constructed on the basis of a building permit on which, during the construction, discrepancies had been made compared to the building permit and the main designing, and that had been constructed, or whose construction had started prior to the entry into effect of this Law.

(2) A constructed, initiated or reconstructed facility referred to in Section 1 of this Article shall concern a facility for which the application for legalization was submitted in accordance with regulations that had been in effect earlier, or, if the facility had been recorded (in an application, aero-photogrammetric image, planning enactment, snapshot of the existing situation etc.) by the date of entry into effect of this Law with the institution in charge of issuance of building permit or with the urban development and construction inspection.

(3) As an exception from Section 1 of this Article, the procedure of legalization of finished facilities pursuant to provisions of this Law shall be implemented without subsequent issuance of the site permit, except when that is necessary for the legalization of a facility on state owned land.
(4) Facilities constructed prior to the initial aero-photogrammetric recording performed for the area of the unit of local self-governance and up to the end of the year 1980, shall be treated as legally constructed.

(5) Owners of parcels bordering with the parcel on which the facility that is subject to legalization is located who had not, in the course of illegal construction, requested the undertaking of measures of inspection supervision in order to prevent illegal construction or who had not been opposed to such construction with the institution in charge of issuance of building permit, shall not have the property of a party in the process of legalization of that facility.

Article 152

Notwithstanding Article 151 of this Law, for individual residential and individual residential-commercial facilities with gross construction area is less than 400 m², except for complex objects in terms of this Law, when the competent authority for issuing the building permit determines that the facility subject to legalization is completed and that it meets the stipulated conditions for construction and use, the subsequent construction and use permit is issued within the same decision.

Article 153

(1) The procedure of legalization of facilities referred to in Article 151, Section 1 of this Law shall be initiated upon an application of the investor or the owner of the illegally constructed facility, i.e. illegally constructed part of the facility.

(2) The institution of the unit of local self-governance in charge of legalization affairs shall perform insight on the spot within the deadline of 30 days from the date of submitting the application, and shall inform the applicant of the extent to which legalization is possible and which evidence would need to be submitted subsequently, as supplement to the application.

(3) The planning basis for the legalization of the facility referred to in Section 1 of this Article shall be the operational spatial development document, and if such a document does not exist for the land on which the facility is constructed, the procedure of determination of the planning basis for the legalization shall be performed pursuant to provisions of this Law.

(4) An application for legalization shall be submitted within the deadline of two years, counting from the date of entry into force of this Law.

(5) Owners of illegally constructed facilities, i.e. parts of facilities who had submitted an application for legalization within the deadlines stipulated by the Law on Physical Space Development and Construction that had been in effect earlier, shall not be under obligation to submit a new application in the context of Section 1 of this Article, and the application submitted earlier shall be treated as an application in the context of this Law, and shall be finalized in compliance with provisions of regulations that are more favourable for the applicant.

(6) It shall not be possible to submit an application for legalization following the expiry of the deadline stipulated in Section 4 of this Article.

(7) The application referred to in Section 1 of this Article shall be the basis for temporary retention of the facility and its connection to facilities of utility infrastructure until the procedure of legalization is finalized in a legally valid manner, pursuant to the provisions of this Law.
1.2. Facilities for which subsequent building permits cannot be issued

Article 154

(1) For facilities constructed, i.e. reconstruction or expanded without a building permit, a subsequent building permit cannot be issued, if the facility:
   a) is constructed on land unfavourable for construction, such as a landslide, a swampland, land exposed to flooding and other natural disasters etc.,
   b) constructed from material that does not ensure permanence and safety of the facility,
   c) constructed in areas of public purpose, i.e. on land planned for development or construction of facilities of public purpose or areas of public purpose for which public interest is being determined pursuant to provisions of a special law, or
   d) constructed in zone I of protection of natural wealth, i.e. in the zone of protection of cultural wealth of extraordinary significance or a zone of protection of a cultural wealth included in the list of global cultural heritage.

(2) As an exception from the provision of Section 1, Subsection c) of this Article, the competent institution shall subsequently issue the construction and utilization permit for a facility constructed in a green area (except for facilities constructed on existing or planned park areas) or if the facility is constructed in a protective belt for the wealth of public infrastructure, upon advance consent of the institution managing that wealth.

(3) Facilities constructed without a building permit in areas of degree II and III of protection of natural wealth may be subject to legalization, if they had been constructed before the adoption of the enactment of placing that natural wealth under protection.

(4) Facilities constructed without a building permit in areas of degree III of protection of natural wealth, following the adoption of the enactment of placing that natural wealth under protection, may be subject to legalization if they had been constructed in compliance with values, potentials, and capacities of the protected area, in compliance with the principles of sustainable development, which shall be determined on the basis of the consent of the institution in charge of affairs of protection of natural and cultural and historical heritage.

1.3. Documentation necessary for legalization of a finished facility

Article 155

(1) Exceptionally, for the completed objects referred to in Article 151, Section 1 of this Law, which are not in accordance with the spatial planning document, legalization may be carried out without previous modification of the spatial planning document, if, in relation to the planned floor space of the building, the deviation is maximum two floors out of which the last one is a loft or if there is a deviation of up to 10% of the planned horizontal dimensions, and these deviations do not disturb the regulation and construction line.

(2) In the case referred to in Section 1 of this Article, the investor or the owner of a facility built for commercial purposes, apart from the fees for legalization stipulated by the provisions of this Law, is obliged to pay to the unit of local self-government the amount of the cost of amending the document of the spatial regulations that otherwise would require the legalization of such an object according to the expert opinion of the holder of the development of the spatial planning document in the scope of which the facility is located.

(3) The amount referred to in Section 2 of this Article that the investor or the owner of the facility pays for the purpose of amending the spatial planning document shall be determined by the competent authority of the local self-government unit by a decision determining the cost of annuities and arrangement of construction land, on the basis of the average costs of development of documents of spatial planning in the previous year for its area, and the funds are used to produce spatial planning documents.
(4) The legalization of a facility referred to in Section 1 of this Article may be carried out after the competent administrative authority establishes that all the conditions regarding the stability and safety of the facility stipulated by this Law have been met and that such legalization has no adverse effects on the neighbouring facilities and rights of other persons, on the basis of the expert opinion of the holder of the development of the document of the spatial arrangement in the scope of which the facility is located.

Article 156

(1) The decision on subsequent issuance of a construction and utilization permit for a finished facility referred to in Article 152 of this Law, shall be made on the basis of the following:
   a) evidence of ownership,
   b) building permit, if such a permit had been issued,
   c) geodetic survey of the situation of the actual executed condition of the illegally constructed facility produced by the person authorised for surveying and real-estate cadastre affairs, and copy of the cadastral plan,
   d) two copies of the designing of the executed situation for legalization – architectural phase,
   e) minutes on performed expertise on technical adequacy, mechanical resilience, stability and quality of construction and fulfilment of conditions for the utilization of the facility compiled by a legal person holding a licence for production or audit of technical documentation or construction of facilities,
   f) opinion of the institution dealing with affairs of protection of natural and cultural and historical heritage, of the facility is located in the zone of protection of natural or cultural wealth,
   g) consent of the competent public company, if the facility had been constructed in a water management wealth or in a protective belt,
   h) evidence on having paid the costs of the compensation for legalization of a facility calculated pursuant to provisions of this Law for the issuance of a subsequent construction and utilization licence for illegally constructed facilities, and
   i) evidence on having paid compensations stipulated by other laws.

(2) The finished facility referred to in Section 1 of this Article shall concern a facility or a part of a facility representing a functional unit on which all the construction, crafts and installation works had been finished that affect the stability, horizontal and vertical dimensions and outlook of the facility.

(3) The designing for the executed situation referred to in Section 1m Subsection c) of this Article shall contain the following:
   a) general data on the owner of the facility: name, surname, i.e. title and headquarters of the investor,
   b) data on person authorised to produce the survey of the executed situation,
   c) data on the location of the facility: location, street and number, number of cadastral particle, and unit of local self-governance,
   d) data on purpose of the facility,
   e) data on the size of the building, gross and useful area size of the building, number of floors and total height of the building,
   f) drawings of floor plans of the floors, profiles and facades in the scale of 1 : 100, and in exceptional circumstances in another corresponding scale,
   g) description of the condition of the degree of finalization of the facility, i.e. the condition of works performed, and
   h) photographic documentation containing the minimum of four photographs showing all the facades of the facility.
1.4. Decision on subsequent issuance of construction licence for unfinished facilities

Article 157

(1) The decision on subsequent issuance of a building permit for individual residential and individual residential-commercial buildings whose gross construction area is less than 400 m², except for complex objects in terms of this Law, which have not been completely completed, but where the structure of the building has been completed, roofs and facade walls, shall be made under the conditions stipulated in Article 156 of this Law, without the need to submit the proof referred to in Section 1, Subsection e) of the said Article.

(2) The decision on subsequent issuance of a building permit for unfinished facilities where the works referred to in Section 1 of this Article have not been completed shall be made on the basis of the evidence referred to in Article 128 of this Law.

(3) Utilization permit of facilities from Sections 1 and 2 of this Article shall be issued in accordance with the provisions of this Law.

Article 158

When, as evidence in the process of legalization, minutes on performed expertise on technical adequacy, mechanical resilience, stability, and quality of construction and fulfilment of conditions for the utilization of the facility, or a designing for the facility that does not contain all the necessary phases or parts of the project, are submitted as evidence in the process of legalization, the institution in charge of the issuance of a construction or utilization permit for the facility shall state, in the main text of the decision, that it does not guarantee for the safety and stability of the facility, in view of the minimal technical documentation being attached to the application.

1.5 Subsequent issuance of building permit for facilities of public infrastructure

Article 159

As an exception from Article 151 of this Law, for facilities of public infrastructure that are utilized without corresponding documentation, construction and utilization permit may be issued subsequently within one decision, on the basis of:

a) evidence on ownership and possession sheet,

b) copy of the cadastral plan with the facility that is subject to the procedure and neighbouring facilities drawn in,

c) technical description of the performed situation of the facility,

d) designing of the performed situation containing the following: situation of the facility, basic and transversal profiles, longitudinal profile including the profile of the terrain and outlook of the facility, and

e) survey document on control examination of the bearing capacity of the facility for trial burdens, when such an examination is envisaged in the process of issuance of the utilization permit.

2. 2. Compensations in the process of legalization

Article 160
(1) The investor, i.e. the owner of the facility for which the adoption of the decision on subsequent issuance of construction and utilization permit is being applied for shall be under obligation to pay the compensation for legalization of the facility, i.e. the compensation for development of construction land and the rent fee stipulated in Article 73 of this Law, calculated in the procedure of issuance of the decision on subsequent issuance of the construction and utilization permit for illegally constructed facilities (hereinafter: the compensation for legalization).

(2) The investor, i.e. the owner, shall pay the compensation for legalization calculated for the entire useful area of the facility.

(3) The compensation referred to in Section 2 of this Article shall be paid into the account of public revenues of the unit of local self-governance.

(4) Compensation for legalization shall be determined in the decision which is, ex officio, adopted by the institution of the unit of local self-governance in charge of utility affairs, after the unit of local self-governance in charge of affairs of issuance of subsequent construction and utilization permits determines that all other conditions have been met and submits the data necessary for the calculation of that compensation.

2.1 Deductions to the legalization fees

Article 161

(1) The fees for legalization referred to in Article 160, Section 1 of this Law shall be reduced for the investor, i.e. owner of an individual residential or individual residential-commercial facility with gross construction area of up to 400 m², who had, by constructing the facility for which legalization is applied for, resolved in a permanent manner his/her housing issues and the housing issues of family household members, if he/she and members of his/her family household do not have in ownership other real estate within the territory of the unit of local self-governance in the territory of which the facility that is subject to legalization is located, except for facilities constructed in the first residential-commercial zone in compliance with the decision of the unit of local self-governance referred to in Article 69, Section 1 of this Law, and, specifically:

a) for apartments with total net useful area of up to 100 m² in family individual residential and individual residential-commercial facilities, 15% of deduction for each family household member, taking into account that the total deduction on this basis may amount to 75% at most,

b) for the next 100 m² of net useful area in the same facility, the compensation shall be reduced by 10% for each family household member up to the maximum percentage of deduction of 60%.

(2) The compensation for legalization referred to in Article 160, Section 1 of this Law shall be reduced for the investor, i.e. owner, who is not employed, as well as for unemployed adult members of his/her family household, if he/she or his/her family household members do not have in ownership other real estate within the territory of the unit of local self-governance in the territory of which the facility that is subject to legalization is located, except for facilities constructed in the first residential-commercial zone in compliance with the decision of the unit of local self-governance, specifically got business premises of total net useful area of up to 100 m² in family residential-commercial facilities, at the level of 20% for each unemployed adult member of the family household, taking into account that the total deduction on this basis may amount to 60% at most.

(3) For apartments and business premises whose area size exceeds the areas stipulated in Sections 1 and 2 of this Article, the investor, i.e. the owner shall pay compensation for legalization for the balance of the area actually constructed and the area size up to which the deduction is approved, calculated in compliance with Article 160 of this Law.

Article 162
The compensation for legalization calculated in compliance with Article 160 of this Law shall be additionally reduced if the investor, i.e., the owner of the individual housing and individual housing and business facility with area size of up to 400 m² has the following status:

- a) of a military war disabled person in category III to X, or if a member of his/her family household has that status, and if that status had been obtained on the basis of the regulations of the Republic on the rights of persons with disabilities, military disabled persons, and families of killed soldiers – by 50%,
- b) a veteran, in categories I to V, or if a member of his/her family household has that status, and if that status had been obtained on the basis of the regulations of the Republic on the rights of veterans, military disabled persons, and families of killed soldiers – by 15%,
- c) a refugee, displaced person or returnee, who had had that status at the time of illegal construction of the facility in compliance with the regulations of the Republic on the rights of refugees and displaced persons - by 10%.

(2) The family of a perished soldier, or a military war disabled person of category I or II, i.e., if the investor is a member of his/her family household, as well as a minor whose both parents had been murdered, killed, deceased or missing as civilian victims of war, and who had acquired that status on the basis of regulations of the Republic, and persons having the status of the most severely disabled civilians in wheelchairs and blind persons, shall not pay the compensation for legalization.

(3) For persons referred to in Sections 1 and 2 of this Article, the rights they may execute pursuant to the provisions of this Article shall not be recognized if they had, on the basis of their status, already executed rights in the process of resolving their housing issues by being awarded an apartment in state ownership.

Article 163

Deductions recognized to investors on the basis of provisions of Articles 161 and 162 of this Law shall represent subsidies of local communities for the resolution of housing needs and issues of employment of aforementioned persons.

(2) The sum of all the deductions of the compensation for legalization that shall be recognized to an investor of an illegally constructed facility on the basis of Articles 161 and 162 of this law cannot exceed 80%, except for persons referred to in Article 162, Section 2 of this Law.

(3) For facilities referred to in Article 125 of this Law, the investor shall pay the compensation for legalization at the level of 50% of the amount stipulated in Article 160 of this Law, reduced under the conditions stipulated by Articles 161, and 162 of this Law.

(4) For legalization of facilities constructed in the first residential-commercial zone, as well as for legalization of facilities that the investors had been constructed for commercial purposes, the investor shall pay the compensation for legalization referred to in Article 160 of this Law in the full amount.

(5) For legalization of unfinished facilities referred to in Article 157, Section 2 of this Law the investor shall be entitled to deduct the fee for legalization stipulated by this Law only if the ceiling structure is constructed at least above one ground floor of the building.

2.2 Method of payment the legalization fees

Article 164

The compensation for legalization calculated in compliance with Article 160 of this Law may be paid by the investor, i.e. the owner:

- a) in cash, in lump sum, with additional discount of 10%,
- b) in equal monthly instalments for the period of repayment that cannot exceed ten years, with annual interest of 1%, and
- c) with Republic bonds issued for tangible and intangible damages.
Article 165

(1) The investor may also pay the compensation for legalization by using a combination of the envisaged methods of payment stipulated in Article 164 of this Law.

(2) A government decree shall regulate more detailed conditions, the method of calculation and payment of the compensation for legalization of facilities.

3. Temporary retention of illegally constructed facilities

Article 166

(1) An illegally constructed facilities which is being utilized or any of its parts for which it is not possible to perform permanent legalization in compliance with provisions of this Law shall be retained temporarily until the land on which it had been constructed may be brought into its final purpose pursuant to the operational spatial development document, of which he competent institution of the unit of local self-governance shall issue a decision.

(2) The investor of the facility referred to in Section 1 of this Article shall be under obligation to pay the amount of 20% of the compensation for legalization calculated in compliance with Article 160 of this Law, for temporary retention of the facility, without any right to deductions.

(3) Documentation stipulated by provisions of this Law for individual types and sizes of facilities shall be submitted for temporary retention of the facility.

(4) The decision on temporary retention cannot be issued for facilities referred to in Article 154, Section 1 of this Law.

(5) In the course of decision making on temporary retention of the facility, the contract on the lease of land or the consent of the owner of the land, certified by a notary, may serve as evidence on resolved property legal affairs.

(6) The facility referred to in Section 1 of this Article for which the decision on temporary retention has been issued may be connected to facilities of utility and public infrastructure.

(7) A decision on permanent retention may be issued for the facility referred to in Section 1 of this Article for which a decision on temporary retention has been issued if, before the expiration of the deadline, a new implementing spatial planning document is adopted with which it is planned to retain it, and the fees paid in accordance with Section 2 of this Article shall be included in the costs of the legalization fee.

Article 167

The investor of the facility referred to in Article 166, Section 1 of this Law shall be under obligation to remove the facility at its own expense following the expiry of validity of conditions for temporary retention, without any right to compensation for the removed facility.

Article 168

(1) If the application for legalization had been submitted, the competent urban development and construction inspector shall terminate, by issuing a decision, the procedure of execution of the decision on removal of the illegally constructed or initiated facility or part of facility until the legally valid conclusion of the procedure referred to in Article 151 of this Law, unless it has already been established in the appropriate procedure that retention of such facility prevented the
bringing the land on which it was built to the final purpose in accordance with the implementing spatial planning document.

(2) When the procedure referred to in Section 1 of this Article is concluded with the issuance of a decision on subsequent issuance of the construction and utilization permit, the inspector shall, upon the legal validity of that decision, discontinue the procedure of execution of the decision on removal of the illegally constructed or initiated facility or part of facility.

(3) In case the procedure referred to in Section 1 of this Article is concluded with the rejection or refusal of the application, the urban development and construction inspector shall continue the execution of the decision on removal of the illegally constructed or initiated facility or part of facility.

(4) The competent urban development and construction inspector shall be under obligation to initiate the procedure of removal of the illegally constructed facility upon the expiry of the deadline referred to in Article 153, Section 4 of this Law, for which the investor has failed to submit an application for legalization.

VI SUPERVISION

Article 169

(1) Administrative supervision over the implementation of this Law and regulations adopted on the basis of this Law shall be performed by the Ministry.

(2) Inspection supervision over the implementation of this Law and regulations adopted on the grounds of this Law shall be performed by the Republic Administration for Inspection Affairs, through Republic urban development and construction inspectors, i.e. urban development and construction inspectors in units of local self-governance.

Article 170

(1) In addition to activities stipulated in the Law on Inspections, Republic urban development and construction inspectors shall also perform activities of inspection supervision over the following:
   a) production and adoption of spatial development documents from the scope of authority of the Republic and units of local self-governance,
   b) implementation of the Spatial Plan of Republic of Srpska or Spatial Plan for Areas of Special Purpose of Republic of Srpska, and operational spatial development documents for areas of special purpose of the Republic,
   c) construction and utilization of facilities for which the building permit is issued by the Ministry on the grounds of Article 60, Section 2 of this Law, and
   d) fulfilment of conditions for the production of spatial development documents referred to in Article 44, technical documentation referred to in Article 110, and construction of facilities referred to in Article 116 of this Law.

(2) The urban development and construction inspectors of units of local self-governance shall perform supervision over the following:
   a) implementation of operational spatial development documents within the territory of the unit of local self-governance, and
   b) construction and utilization of facilities for which building permits are issued by the unit of local self-governance.

Article 171

In the course of performance of inspection supervision over the implementation of this Law and regulations adopted on the grounds of this Law, the competent urban development and
construction inspector shall, in addition to general authorizations stipulated by the law on Inspections, also be authorised to do the following:

a) order institutions and authorised persons in charge of implementation of this Law to eliminate irregularities detected in the application of provisions of this Law and other regulations adopted on the grounds of this Law, within a certain deadline,

b) order the institution responsible for preparation to discontinue the production of spatial development documents, if it is being performed contrary to provisions of this Law and other regulations and is a document with narrower scope is not harmonized with a document of broader scope, and to determine the deadline for eliminating irregularities and informing the assembly in charge of the adoption of the spatial development document,

c) initiate the procedure for assessing the legality, if he/she determines that a spatial development document or a regulation relating to organization, development and utilization of physical space had not been produced in compliance with this Law, i.e. that the procedure in compliance with which it had been adopted had not been implemented in the manner stipulated by this Law,

d) order the competent institution to adjust the site permit with the current operational spatial development document or other regulations adopted on the grounds of this Law, if this is possible or that the institutions declares it void,

e) submit an initiative for repealing or cancelling of a building permit on the basis of the right to supervision, if the building permit had been issued in contravention with this Law, i.e. other regulations adopted on the grounds of this Law,

f) order the demolition of a facility or its parts, or the removal of executed works and re-establishment of the initial condition at the expense of the investor, if he/she determines that the construction, i.e. the works had been executed or are being executed in the absence of a building permit, or in the absence of a site permit for facilities referred to in Article 125 of this Law,

g) order the demolition of a facility or its parts, or the removal of executed works and re-establishment of the initial condition at the expense of the investor, if he/she determines that the construction, i.e. the works had been executed or are being executed in contravention with the permit granted, i.e. in contravention with site permits for facilities referred to in Article 125 of this Law, and that the discrepancy concerns vertical or horizontal dimensions of the facility,

h) prohibit continued performance of works and construction of the facility and order that the irregularities detected are eliminated within a certain deadline, if he/she determines that the construction, i.e. the works, had been executed or are being executed in contravention with the permit granted, i.e. in contravention with site permits for facilities referred to in Article 125 of this Law, and that the discrepancy concerns vertical or horizontal dimensions of the facility,

i) orders the demolition of a facility or its parts or the removal of executed works that are being executed or had been executed in contravention with the building permit granted, i.e. in contravention with site permits for facilities referred to in Article 125 of this Law and order the reinstatement of the initial condition at the expense of the investor, if the irregularities determined in Subsection h) of Section 1 of this Article are not removed within the deadline provided,

j) prohibit any construction being performed contrary to regulations on environment protection, especially those concerning protected areas, protection of land, water, air, and urban standards,

k) prohibit the performance of works if he/she determines shortcomings or irregularities in technical documentation or construction of the facility because of which there exists danger for the stability of the facility itself or for neighbouring facilities, i.e. upon the life and health of people and the environment,

l) prohibits the performance of works if the works are performed by the contractor that, pursuant to the provisions of this Law, does not hold a licence for construction of those types of facilities, i.e. if the works are managed by a person who does not meet the conditions stipulated,

m) prohibits the construction of a facility if he/she determines that the material, construction products, installations and equipment being built in, i.e. the finishing works, do not correspond to
regulations, standards, technical norms and quality norms, and if the contractor for the works fails to eliminate those irregularities within the deadline provided,

n) order the investor, the contractor for works, i.e. the user of the facility to eliminate all irregularities detected, if he/she determines that, in the course of construction or utilization, the stipulated surveillance activities over the facility or analyses of results of those surveillance activities are not performed, and undertake other measures for which he/she is authorised by a special regulation,

o) order the contractor to take appropriate measures to protect the facility and ensure the safety of people and surrounding facilities, if it determines that the performance of works on the construction of the building may jeopardize their safety,

p) order to obtain a utilization permit for a facility or part of a facility that is used without a utilization permit and set a deadline for obtaining it which cannot be longer than 60 days,

q) prohibit the utilization of the facility, i.e. its part, if he/she determines that the facility or the part of the facility are being used in the absence of the utilization permit, and if the investor fails to obtain the utilization permit within the stipulated period,

r) submit an initiative for the repeal or cancellation of the utilization permit, on the basis of the right to supervision, if the utilization permit had been issued in contravention with this Law, i.e. regulations adopted on the grounds of this Law,

s) order the performance of necessary works, i.e. prohibit the utilization of the facility or its part, if he/she determines that the utilization of the facility or its part would pose a threat on the life and health of people or safety of transport or the surroundings,

t) prohibit designing, auditing of technical documentation, and construction to a legal person for which he/she determines that it does not meet the conditions stipulated by this Law and regulations adopted on the grounds of this Law, and submit an initiative for putting the permit out of force, if the legal person fails to eliminate the detected irregularities within the period provided,

u) stop the works on removal of a facility for which the owner failed to obtain the permit for its removal, and

s) undertake other measures stipulated by this Law and the Law on Inspections.

VII CHAMBER OF ENGINEERS OF REPUBLIC OF SRPSKA

Article 172

(1) With the objective of improving the conditions for the performance of professional tasks in the field of spatial and urban development planning, designing, construction of facilities, and other fields of significance for planning and construction, protection of general and individual interests in the performance of tasks in those fields, organization in the provision of services in aforementioned fields, as well as in order to achieve other objectives from the area of spatial development and construction, the Chamber of Engineers of Republic of Srpska (hereinafter: the Chamber) shall hereby be established.

(2) The Chamber shall be a legal person with headquarters in Banja Luka.

(3) Membership in the Chamber shall be on a voluntary basis.

(4) Members of the Chamber shall be engineers of architecture, construction, mechanical construction, electrical technology, transport, technology, and other technical professional participating in the development of physical space and construction, as well as graduate spatial planners to whom licences had been issued in compliance with the provisions of this Law, if they are citizens of the Republic.

(5) The engineering not holding the licence can become members of the Chamber under the provisions defined by the Chamber’s Articles of Association.

(6) Persons referred to in Section 3 of this Article who do not have the citizenship of the Republic may become members of the Chamber only on the basis of reciprocity.
(7) If a licence is repealed for a person referred to in Section 3 of this Article, the membership in the Chamber shall cease for that person.

Article 173

(1) Organization and manner of performing the tasks of the Chamber shall be regulated in more detail by Articles of Association and general enactments of the Chamber.

(2) The Ministry shall grant its consent to Articles of Association and general enactments of the Chamber.

(3) The Chamber shall perform the following tasks:
   a) determine professional rights and duties and ethical norms for behaviour of Chamber members in the performance of activities of production of spatial development documents, designing, auditing, validation of technical documentation, construction, supervision over construction, and tasks of technical examination of facilities,
   b) determine disciplinary measures for violation of standards and norms of professional responsibility,
   c) organize courts of honour for determining violations to professional standards and norms of professional accountability, as well as for imposing measures for those violations,
   d) propose to the Minister repeal of licences issued to physical and legal persons or undertake other measures envisaged by provisions of Articles of Association,
   e) organize training and professional development of members of the Chamber,
   f) organize professional gatherings and discussions, professional and technical counselling sessions,
   g) propose to the Minister lists of the candidates for members of commissions for expert exams, and the final composition of the commission shall be defined by the Minister in accordance with Article 9 of this Law,
   h) provide suggestions for forming the service bill within its jurisdiction,
   i) organises or participates in organization of the competition for the selection of conceptual design or design solutions at the request of the investor,
   j) keep records on members of the Chamber, and
   k) perform other tasks in compliance with the Law and Articles of Association of the Chamber.

(4) The Minister shall adopt the regulation stipulating the structure, the method of selection and dismissal of judges in the court of honour, the procedure and method of work of the court of honour.

Article 174

(1) (1) Institution of the Chamber shall be the Assembly, the Management Board, the Supervisory Board and the President.

(2) The Chamber shall be organized by professions, in sections for occupations referred to in Article 172, Section 3 of this Law, for which the issuance of licences if envisaged pursuant to the provisions of this Law.

(3) Operations of occupational sections shall be management by the Executive Board of the Section.

(4) The Management Board shall comprise the president, three representatives of the Ministry and presidents of executive boards of occupational sections.

(5) The structure, the scope of authority and the method of selection of institutions referred to in Section 1 of this Article shall be stipulated by Articles of Association of the Chamber.
Article 175

(1) Operations of the Chamber and its institutions shall be financed from the following: membership fee, donations, sponsorships, income from the competition in which they participate, professional and technical consultations and other sources pursuant to the Law.

(2) The Chamber shall determine the level of the membership fee referred to in Section 1 of this Article, upon obtaining the consent of the Minister in advance.

(3) Supervision over the legality of operations of the Chamber shall be performed by the Ministry.

VIII PENALTY PROVISIONS

Article 176

(1) A legal person performing the production of spatial development documents shall be sanctioned with a financial fine amounting to between BAM 10,000 and BAM 30,000, for a violation, if it:

a) initiates the production of a spatial development document in the absence of the corresponding licence, i.e. if it does not fulfil the conditions stipulated in Article 44 of this Law,

b) produces a spatial development document in contravention with provisions of this Law, regulations adopted on the grounds of this Law, the decision on initiation of production of the spatial development document, and fails to ensure harmonization with a spatial development document with a broader scope, i.e. fails to act in compliance with Article 45, Sections 2 and 3 of this Law,

c) performs the certification of a spatial development document that had not been produced within that legal person and acts in contravention with Article 45, Section 4 of this Law,

d) fails to apply measures from the field of environment protection stipulated in this and other laws, measures of protection of constructed and natural heritage and other measures referred to in Article 27, Sections 1 and 3 of this Law,

e) plans construction of a facility in a protective zone or a protective belt, which is not in compliance with the requirements due to which the protective zone, i.e. the protective belt had been established, as stipulated in Article 21, Section 2 of this Law,

f) produces urban development and technical conditions in contravention with planning documentation and conditions in the field, i.e. contrary to the provision of Article 63, Article 86, Section 1 and Article 128, Section 4 of this Law, and

g) fails to submit necessary data and documentation upon a request of the documentation services, in compliance with Article 56, Section 3 of this Law.

(2) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the legal person for the violation referred to in Section 1, Subsections b), c), d), e) and f) of this Article.

(3) The responsible person within the legal person, as well as the physical person employed with the legal person, shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

(4) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the responsible person within the legal person and the physical person employed with the legal person for the violation referred to in Section 1, Subsections b), c), d), e) and f) of this Article.

Article 177
The responsible person within an administrative institution shall be fined in the amount between BAM 500 and BAM 1,500, if he/she:

a) fails to submit the required documentation for the requirements of producing spatial development documents and fails to act pursuant to the provision of Article 24 of this Law,
b) fails to ensure compliance of physical planning documents in accordance with Article 28, Section 3 of this Law,
c) fails to decide on the initiative of the investor for amendments or addenda to a spatial development document within the deadline stipulated in Article 41, Section 4 of this Law,
d) performs selection of the institution responsible for producing a plan contrary to Article 45, Section 1 of this Law,
e) entrusts the tasks of production of a spatial development document to a legal person that does not hold a licence, contrary to the provision of Article 44, Section 1 of this Law,
f) starts development, that is amendment or addenda to a spatial development document, in the absence of a prior decision on initiating the development, that is amendment or addenda to the spatial development document, referred to in Article 40, Section 1 of this Law,
g) entrusts the production of a spatial development document to a legal person lacking the corresponding licence stipulated in Article 44 of this Law,
h) issues a site permit, a building permit, a utilization permit, i.e. a permit for removal of a facility or its part contrary to provisions of Article 59, Section 1, Article 75, Article 131, Section 2, Article 145, Article 149, Article 154, Section 1, Article 155, Article 156, Article 157 and Article 159 of this Law and regulations adopted on the grounds of this Law,
i) issues a building permit without site permits being issued in advance for a complex facility, in contravention with Article 128, Section 3 of this Law,
j) without a justified reason, fails to issue a site permit, a building permit, a utilization permit, i.e. a permit for removal of a facility or its part, within the deadlines stipulated in Article 64, Article 75, Article 131, Article 145, Sections 5 and 9, and Article 149, Section 6 of this Law,
k) fails to keep single records on the condition of physical space in compliance with Article 56, Section 1 of this Law,
l) fails to keep the registry of issued building permits in compliance with Article 127, Section 5 of this Law, and
m) fails to keep technical documentation in compliance with provisions of Article 100, Section 3, Article 146, Section 2, and Article 149, Section 7 of this Law.

Article 178

(1) A legal person acting as an investor shall be fined in the amount between BAM 5,000 and BAM 30,000 for a violation, if it:

a) entrusts the tasks of designing, auditing of technical documentation, construction, professional supervision over construction, or issuance of an energy certificate, to persons not holding a corresponding licence of the Ministry, contrary to the provision of Article 109 of this Law,
b) fails to sign a contract with the authorised person on the assignment of design, audit of technical documentation, construction, professional supervision of construction and performing energy audits, in accordance with Article 108, Sections 2 and 3 of this Law,
c) fails to report the beginning of construction within the deadline stipulated in Article 109, Section 4 and Article 125, Section 4, and fails to submit the contract on engagement of supervisory institution in compliance with Article 118, Section 2 of this Law,
d) fails to inform the competent urban development and construction inspection on the change that occurred in compliance with Article 109, Section 6 of this Law,
e) continues with the performance of works and acts contrary to the provision of Article 135, Section 4 of this Law,
f) fails to perform the marking of the facility prior to the beginning of construction in compliance with Article 138, Section 1 of this Law,

f) occupies neighbouring land for the requirements of the construction site in the absence of valid legal grounds contrary to the provision of Article 137, Section 5 of this Law,

h) constructs without a building permit in contravention with the provision of Article 124, Section 1 of this Law, or constructs contrary to the building permit, and has not obtained amendments or addenda to the building permit in compliance with Article 135, Sections 1 and 2 of this Law,

h) at its own discretion, performs the connection of a facility being constructed or already constructed to installations of utility and other infrastructure contrary to the provision of Article 124, Section 3 of this Law,

j) after the completion of the construction, fails to clean and organise the site and the immediate environment in accordance with Article 137, Sections 9 and 10 of this Law,

j) uses the facility or its part without obtaining the utilization permit in advance and acts contrary to the provision of Article 140, Section 1 of this Law,

k) fails to submit the necessary data and documentation in compliance with Article 56, Section 3 of this Law upon a request of the institution referred to in Article 56, Section 1 of this Law, and

l) fails to keep technical documentation in compliance with Article 100, Section 3, Article 146, Section 2, and Article 149, Section 7 of this Law.

(2) Responsible person within the legal person shall also be fined for the violation referred to in Section 1 of this Article in the amount between BAM 500 and BAM 1,500.

Article 179

(1) A legal person performing the production of technical documentation shall be fined in the amount between BAM 5,000 and BAM 15,000 for a violation, if:

a) it does not hold the corresponding licence for the production of technical documentation stipulated in Article 110, Sections 1, 2 and 3 of this Law,

b) it performs the certification of technical documentation that had not been produced within that legal person contrary to the provision of Article 105, Section 2 of this Law,

c) in the course of construction one of the technical characteristics of a facility referred to in this Law is not achieved at the stipulated level, because of the shortcomings, i.e. irregularities in technical documentation or because of discrepancies of individual parts of technical documentation referred to in Article 105, Section 2 of this Law,

d) it appoints a designer, main designer, or project coordinator who does not fulfil the conditions stipulated in Article 110, Section 4 and Article 111 of this Law,

e) it entrusts the production of technical documentation contrary to the provision of Article 111, Section 7 of this Law,

f) it produces a main designing that is not harmonized with the site permit or that does not contain the contents stipulated in Article 101, Section 1 of this Law,

g) fails to conclude a contract in accordance with Article 108 Sections 2 and 3 of this Law or the contract referred to in Article 110, Section 7 of this Law, and

h) it fails to submit the necessary data and documentation in compliance with Article 56, Section 3 of this Law upon a request of the institution referred to in Article 56, Section 1 of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

(3) The designer, the main designer and the project coordinator shall also be sanctioned with a financial fine amounting to between BAM 500 and BAM 1,500 for the violation referred to in Section 1, Subsections c) and f) of this Article.
The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the legal person and the responsible person within the legal person for the violation referred to in Section 1, Subsections b), c), d), e) and f) of this Article.

The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the designer, the main designer, and the project coordinator for the violation referred to in Section 1, Subsections c) and f) of this Article.

Article 180

(1) The legal person performing the audit of technical documentation shall be fined for a violation with in the amount between BAM 5,000 and BAM 15,000, if it:
   a) does not hold a licence for auditing technical documentation including all its parts, i.e. phases in compliance with Article 112 of this Law,
   b) confirms the adequacy of technical documentation that contains shortcomings that may have a more significant effect on technical characteristics of the facility stipulated by this Law contrary to the provision of Article 114, Section 3 of this Law,
   c) verifies correctness of the design that has not been made in accordance with the site conditions permit contrary to the provisions of Article 114, Section 3, Subsection c) of this Law,
   d) performs project audit contrary to the provision of Article 113, Section 2 of this Law, and
   e) fails to submit the necessary data and documentation in compliance with Article 56, Section 1 of this Law upon a request of the institution referred to in Article 56, Section 3 of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

(3) The auditor and the chief auditor shall also be sanctioned for violations referred to in Section 1, Subsections b) and c) of this Article, with a financial fine amounting to between BAM 500 and BAM 1,500.

(4) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the legal person and the responsible person within the legal person for the violation referred to in Section 1, Subsections b), c), d), e) and f) of this Article.

(5) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may be imposed on the auditor and the chief auditor for the violation referred to in Section 1, Subsections b) and c) of this Article.

Article 181

(1) A legal person acting as a contractor shall be sanctioned with a financial fine amounting to between BAM 5,000 and BAM 30,000, if it:
   a) is constructing a facility in the absence of a corresponding licence for construction of that type of facilities stipulated in Article 116, Sections 3, 4 and 5 of this Law,
   b) is constructing in the absence of a building permit contrary to the provision of Article 124, Section 1 of this Law or is not performing the works in compliance with the building permit, contrary to the provision of Article 117, Section 1, Subsection a) of this Law,
   g) fails to conclude a contract in accordance with Article 108 Sections 2 and 3 of this Law,
d) performs works contrary to the provision of Article 117, Section 1, Subsection b) of this Law in such a manner that the technical characteristics of the facility do not correspond to the requirements of this Law and regulations adopted on the grounds of this Law,

e) fails to install products, equipment, and devices in compliance with provisions of this Law and regulations adopted on the grounds of this Law in compliance with the provision of Article 117, Section 1, Subsection c) of this Law,

f) fails to inform the competent institution when, in the course of construction or performance of other works, it encounters facilities with properties of natural or cultural and historical heritage and fails to undertake the necessary measures of protecting the site in compliance with the provision of Article 117, Section 1, Subsection i) of this Law,

g) fails to inform the investor, the competent institution that had issued the building permit and the competent inspection on shortcomings in technical documentation and unforeseen circumstances that are of significance for the performance of works and utilization of technical documentation in compliance with the provision of Article 117, Section 1, Subsection j) of this Law,

h) fails to comply, in the course of construction, with the measures referred to in Article 5, Section 2 of this Law,

i) fails to undertake, in the course of construction, measures to prevent threats to the stability of surrounding facilities and land, as well as utility and other installations in compliance with the provision of Article 117, Section 1, Subsection f) of this Law,

j) in case of discontinuing the works, fails to ensure the surroundings and the facility it is constructing in compliance with the provision of Article 117, Section 1, Subsection k) of this Law,

k) fails to ensure the measurement and geo-mechanical testing of the land and of the facility in the course of construction in compliance with the provision of Article 117, Section 1, Subsection e) of this Law,

l) fails to provide evidence of the quality of works and installed products and equipment in compliance with provisions of this Law and requirements of the designing in compliance with the provision of Article 117, Section 1, Subsection d) of this Law,

m) fails to organize the construction site in compliance with the provision of Article 117, Section 1, Subsection g) of this Law, and

n) fails to submit necessary data and documentation in compliance with Article 56, Section 3 of this Law, upon a request of the institution referred to in Article 56, Section 1 of this Law.

(2) The responsible person within the legal person shall also be fined for the violation referred to in Section 1 of this Article in the amount between BAM 500 and BAM 1,500.

(3) The physical person acting as the responsible person on the construction site, the main contractor or the entrepreneur, i.e. the responsible person for the performance of individual works shall also be fined for the violation referred to in Section 1 of this Article in the amount between BAM 500 and BAM 1,500.

(4) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may also be imposed on the legal person and the responsible person within the legal person for the violation referred to in Section 1 of this Article.

(5) The protective measure - prohibition of performance of activities under the licence, in the duration of six months, may also be imposed on the physical person employed with the contractor, physical person acting as the responsible person at the construction site, main contractor or entrepreneur, for the violation referred to in Section 1, Subsections h), i), j) and m) of this Article.

Article 182

(1) A legal person acting as a contractor shall be sanctioned with a financial fine amounting to between BAM 1,000 and BAM 5,000, if it:
a) fails to appoint the responsible person on the construction site or the responsible person for the performance of individual works in compliance with the provision of Article 117, Section 2 of this Law,

b) appoints the responsible person on the construction site or the responsible person for the performance of individual works who does not fulfil the conditions stipulated in the provision of Article 117, Section 3 of this Law,

c) fails to perform the fencing, protection, or designation of the construction site in compliance with the provision of Article 137, Sections 2 and 4 of this Law,

d) uses a public area for the requirements of the construction site without an approval of the competent institution of contrary to the provision of Article 137, Section 6 of this Law,

e) fails to clear out the construction site and the immediate surroundings upon the finalization of construction in compliance with the provision of Article 137, Sections 9 and 10 of this Law,

f) fails to keep documentation on the construction site stipulated in Article 139, Section 7 of this Law, and

g) fails to keep the construction journal, the construction book and the book of inspections, in compliance with Article 117, Section 1, Subsection h) of this Law, and

h) fails to prepare a report on performed works after the completion of construction and does not submit to the investor the building documentation necessary for carrying out a technical inspection in accordance with Article 117, Section 1, Subsection m) of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,000.

(3) The responsible person on the construction site, i.e. the person responsible for the performance of individual works, shall be fined in the amount between BAM 200 and BAM 500 for a violation referred to in Section 1, Subsections c), d), e), f) and g) of this Article.

Article 183

(1) A legal person performing professional supervision over construction shall be fined in the amount between BAM 5,000 and BAM 15,000, if it:

a) does not hold the corresponding licence referred to in Article 118, Section 1 of this Law,

b) appoints a physical person for a supervisory institution if the person does not hold the corresponding licence referred to in Article 118, Section 1 of this Law,

c) fails to undertake measures against the contractor or urban planning and construction inspection for the purpose of ensuring that the works are being performed in compliance with the building permit, i.e. with the main designing in compliance with Article 119, Section 1, Subsection b) and Article 135, Section 4 of this Law,

d) fails to undertake measures to ensure that the quality of works, installed products and equipment is in compliance with the requirements of the designing and regulations adopted on the basis of this Law, and proven by corresponding tests and documents in compliance with Article 119, Section 1, Subsection c) of this Law,

e) fails to inform the competent inspection of the results of measurements and testing of equipment or materials that are below the values stipulated in compliance with Article 119, Section 1, Subsection d) of this Law,

f) fails to inform the competent institution when, in the course of construction or execution of other works, it encounters facilities with properties of natural or cultural and historical heritage and fails to undertake necessary measures to protect the site in compliance with Article 119, Section 1, Subsection f) of this Law,
Article 184

(1) A legal entity entrusted with technical inspection shall be fined for a violation in the amount between BAM 3,000 KM and BAM 10,000 if it performs technical inspection contrary to the provisions of Article 140 of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

(3) Physical person shall be fined for a violation in the amount between BAM 1,000 and BAM 3,000 if, as a member of the commission for technical inspection if he/she performs technical examination contrary to the provisions of Article 140 of this Law and regulations adopted on the grounds of this Law.

Article 185

(1) A legal person as the owner of the facility of utility or other public infrastructure shall be fined for a violation in the amount between BAM 10,000 and BAM 30,000, if it allows connection of a facility being constructed or already constructed without a building permit, to the installations of the utility or other infrastructure contrary to the provision of Article 124, Section 3 of this Law, unless these are facilities referred to in Article 153, Section 7 of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

Article 186

(1) A legal person as the owner of the facility shall be fined for a violation in the amount between BAM 3,000 and BAM 10,000, if it:

   a) fails to submit necessary data and documentation in compliance with Article 56, Section 3 of this Law upon a request of the institution referred to in Article 56, Section 1,
b) fails to utilize the facility in accordance with its purpose in compliance with Article 148, Section 1 of this Law,
c) fails to maintain the facility, its structure, or equipment in compliance with Article 148, Sections 2 and 3 of this Law,
d) fails to ensure performance of works of technical surveillance in compliance with Article 148, Section 4 of this Law,
e) fails to undertake urgent measures for eliminating hazards in case of damage to the facility that poses a threat on the stability of the facility itself, represents a hazard to neighbouring facilities or to the safety of people in compliance with Article 148, Section 5 of this Law, and
f) removes the facility or its part without prior obtaining of the licence for removal referred to in Article 149, Section 1 of this Law,

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 300 and BAM 1,000.

(3) Physical person as the owner of the facility shall also be fined for the violation referred to in Section 1 of this Article in the amount between BAM 100 and BAM 500.

Article 187

(1) A legal person that, as the competent institution, owns, collects, produces, or processes data, shall be fined for a violation in the amount between BAM 1,000 and BAM 5,000, if it fails to submit to the corresponding service necessary data and documentation necessary for keeping the single records referred to in Article 54 of this Law, in compliance with Article 56, Section 2 of this Law.

(2) The responsible person within the legal person shall also be sanctioned for the violation referred to in Section 1 of this Article with a financial fine amounting to between BAM 500 and BAM 1,500.

Article 188

A physical person as an investor shall be fined for a violation in the amount between BAM 500 and BAM 5,000, if he/she:

a) entrusts the tasks of designing, auditing of technical documentation, construction, professional supervision over construction, or issuance of an energy certificate, to persons not holding a corresponding licence of the Ministry, contrary to the provision of Article 109 of this Law,
b) fails to sign a contract with the authorised person on the assignment of design, audit of technical documentation, construction, professional supervision of construction and performing energy audits, in accordance with Article 108, Sections 2 and 3 of this Law,
c) fails to report the commencement of construction within the deadline stipulated in Article 109, Section 4 and Article 125, Section 4, and fails to submit the act on appointment of a supervisory body in accordance with Article 118, Section 2 of this Law,
d) fails to inform the competent urban development and construction inspection on the change that occurred in compliance with Article 109, Section 6 of this Law,
e) continues with the performance of works and acts contrary to the provision of Article 135, Section 4 of this Law,
f) fails to perform the marking of the facility prior to the beginning of construction in compliance with Article 138, Section 1 of this Law,
g) occupies neighbouring land for the requirements of the construction site in the absence of valid legal grounds contrary to the provision of Article 137, Section 5 of this Law,
h) constructs without a building permit in contravention with the provision of Article 124, Section 1 of this Law, or constructs contrary to the building permit, and has not obtained
amendments or addenda to the building permit in compliance with Article 135, Sections 1 and 2 of this Law,

i) at its own discretion, performs the connection of a facility being constructed or already constructed to installations of utility and other infrastructure contrary to the provision of Article 124, Section 3 of this Law,

j) after the completion of the construction, fails to clean and organise the site and the immediate environment in accordance with Article 137, Sections 9 and 10 of this Law,

k) uses the facility or its part without obtaining the utilization permit in advance and acts contrary to the provision of Article 140, Section 1 of this Law,

l) fails to submit the necessary data and documentation in compliance with Article 56, Section 3 of this Law upon a request of the institution referred to in Article 56, Section 1 of this Law, and

m) fails to keep technical documentation in compliance with Article 100, Section 3, Article 146, Section 2, and Article 149, Section 7 of this Law.

IX TRANSITIONAL AND FINAL PROVISIONS

Article 189

(1) Local self-government units shall be required to adopt spatial plans within three years from the date of entry into force of this Law, and urban development plans and zoning plans for special purposes areas of the local self-government units within two years from the date of adoption of the local self-government unit's spatial plan.

(2) If the units of local self-governance have valid urban development plans at the time of entry into force of this Law, they shall be under obligation to adopt regulatory and zoning plans for the urban area of the unit of local self-governance for which it is envisaged in the plan of a higher order, within the deadline of two years from the date of entry into force of this Law.

(3) For strategic documents of spatial planning with expired validity period, and for which no more than ten years have passed between the expiration of the validity period and the date of entry into force of this Law, after analysis carried out in accordance with Article 25, section 7 of this Law, the local self-government units may extend the validity period of the document the longest until expiration of the deadline referred to in Section 1 of this Article.

(4) Upon the expiry of the deadline referred to in Section 2 of this Article and until adoption of spatial development document, preparation of the expert opinion referred to in Article 59, Section 3 of this Law shall be financed from the resources of the unit of local self-governance.

Article 190

(1) Strategic spatial development documents that shall be in effect at the moment of entry into force of this Law shall apply until the expiry of the period of validity for which they had been adopted, and following that time the period of validity of the document may be extended in compliance with Article 25, Section 7 of this Law.

(2) Operational spatial development documents effective at the time of this Law becoming effective shall apply until adoption of new operational documents pursuant to provisions of this Law, unless they are contrary to the spatial planning documents of higher order that have been adopted in the meantime.

Article 191

Units of local self-governance shall be under obligation to adopt the decision on the development of physical space and construction land referred to in Article 69, Section 1 of this Law within the deadline of six months from the date of adoption of the regulation on general rules of
urban development regulation and parcellation referred to in Article 27, Section 5, Subsection b) of this Law.

Article 192

Procedures of production and adoption of spatial development documents initiated prior to the entry into force of this Law shall be finalized in compliance with provisions of the laws on the basis of which they had been initiated.

Article 193

(1) The Ministry shall, within the deadline of three years from the date of entry into force of this Law undertake the procedure of audit of licences issued to physical persons by the date of entry into force of this Law.

(2) The procedure of audit referred to in Section 1 of this Article shall be implemented upon an application of persons holding personal licences of the Ministry, free of any costs of procedure.

(3) In the course of the procedure of auditing, the Ministry shall renew the licences to natural persons referred to in Section 1 that meet the conditions stipulated by this Law and regulations adopted on the basis of this Law that are entered into official records in written and electronic form and shall be published on the internet site of the Ministry.

(4) Licences issued to physical persons that are not renewed by the expiry of the deadline stipulated in Section 1 of this Article shall cease being valid.

(5) Licences issued to legal entities prior to this Law becoming effective shall be valid until expiration of the validity period under which they have been issued if they meet the requirements stipulated by the Law on basis of which they have been issued.

Article 194

(1) The Government shall, within six months from the date of entry into force of this Law, adopt:
   a) rule referred to in Article 8, Section 8 of this Law,
   b) rule referred to in Article 9, Section 6 of this Law,
   c) rule referred to in Article 85 of this Law, and
   d) rule referred to in Article 165, Section 2 of this Law.

(2) The Minister shall, within 60 days from the date of entry into force of this Law, adopt the following:
   a) the Regulation referred to in Article 9, Section 4 of this Law,
   b) the Regulation referred to in Article 27, Section 5, Subsection a) of this Law,
   c) the Regulation referred to in Article 51, Section 1 of this Law, and
   d) the Regulation referred to in Article 62, Section 6 of this Law.

(3) The Minister shall, within 90 days from the date of entry into force of this Law, adopt the following:
   a) the Regulation referred to in Article 53, Section 3 of this Law,
   b) the Regulation referred to in Article 87, Section 2 of this Law, and
   c) the Regulation referred to in Article 97 Section 3 of this Law.

(4) The Minister shall, within four months from the date of entry into force of this Law, adopt the following:
   a) the Regulation referred to in Article 27, Section 5, Subsection b) of this Law, and
   b) the Regulation referred to in Article 123 Section 1 of this Law.

(5) Within six months from the date of entry into force of this Law, the Minister shall adopt the following:
   a) the Regulation referred to in Article 73, Section 5 of this Law,
b) the Regulation referred to in Article 89, Section 2 of this Law,
c) the Regulation referred to in Article 98, Section 1 of this Law, and
d) the Regulation referred to in Article 144, Section 3 of this Law.

(6) Within nine months of the date of entry into force of this Law, the Minister shall adopt the following:

a) the Regulation referred to in Article 91, Section 7 of this Law,
b) the Regulation referred to in Article 93, Section 1, Subsection a) of this Law,
c) the Regulation referred to in Article 93, Section 1, Subsection b) of this Law, and
d) the Regulation referred to in Article 173, Section 4 of this Law.

(7) Until adoption of the secondary legislation referred to in Sections 2, 3, 4, 5 and 6 of this Article the applicable by-laws shall apply, unless they are contrary to the provisions of this Law.

Article 195

Until adoption of the regulations and other technical regulations referred to in Article 4, Section 4 of this Law, the regulations, technical regulations and standards of former SFRY taken over by Article 12 of the Constitutional Law for enforcement of the Republic of Srpska Constitution, shall apply ("Republic of Srpska Official Gazette, edition 21/92), as follows:

a) Order on mandatory attestation of additives to concrete ("Official Gazette of SFRY", edition 34/85),
b) Order on mandatory cement attestation ("Official Gazette of SFRY", editions 34/85 and 67/86),
c) Order on mandatory attestation of prefabricated elements of cellular concrete ("Official Gazette of SFRY", edition 34/85),
d) Order on compulsory certification of concrete pipes for sewerage over one meter long ("Official Gazette of SFRY", edition 34/85),
e) Order on mandatory attestation of fractional stone aggregates for concrete and asphalt ("Official Gazette of SFRY", edition 41/87),
f) Regulation on technical norms for foundation of buildings ("Official Gazette of SFRY", edition 15/90),
g) Regulation on technical norms for the design and construction of structures of prefabricated elements of unreinforced and reinforced cellular concrete ("Official Gazette of SFRY", edition 14/89),
h) Regulation on technical standards for concrete and reinforced concrete, prepared with natural and artificial light-aggregate fill ("Official Gazette of SFRY", edition 15/90),
i) Regulation on technical measures and conditions for prestressed concrete ("Official Gazette of SFRY", edition 51/71),
k) Regulation on technical measures and conditions for conjoined constructions ("Official Gazette of SFRY", edition 35/70),
l) Regulation on technical measures and conditions for protection of steel structures against corrosion ("Official Gazette of SFRY", edition 32/70),
m) Regulation on technical measures and conditions for the design and construction of concrete and reinforced concrete structures in areas exposed to aggressive effects of water and soil ("Official Gazette of SFRY", edition 32/70),
n) Regulation on technical measures and conditions for installation of steel structures ("Official Gazette of SFRY", edition 29/70),
o) Regulation on technical measures and conditions for hydrocarbon waterproofing of roofs and terraces ("Official Gazette of SFRY", edition 26/69),
p) Regulation on technical norms for steel wires, rods and ropes for prestressing structures ("Official Gazette of SFRY", editions 41/85 and 21/88).
q) Regulation on technical measures and conditions for the construction of residential buildings by system of modular coordination of measures ("Official Gazette of SFRY", edition 26/69),

r) Regulation on technical norms for the design and calculation of engineering facilities in seismic areas ("Official Gazette of SFRY", editions 31/81, 49/82, 29/83, 21/88 and 52/90),

s) Regulation on technical measures and conditions for finishing works in construction ("Official Gazette of SFRY", edition 21/90),

t) Regulation on technical measures and conditions for thermal energy in buildings ("Official Gazette of SFRY", edition 28/70),

u) Regulation on technical measures and conditions for ventilation in residential buildings ("Official Gazette of SFRY", edition 35/70),

w) Regulation on technical measures and conditions for sound protection of buildings ("Official Gazette of SFRY", edition 35/70),

(x) Regulation on temporary technical regulations for construction in seismic areas ("Official Gazette of SFRY", edition 39/64),

y) Regulation on technical norms for construction of facilities of a building construction in seismic areas ("Official Gazette of SFRY", editions 31/81, 49/82, 29/83, 21/88 and 52/90),

z) Regulation on technical norms for supporting steel structures ("Official Gazette of SFRY", edition 61/86),

aa) Regulation on technical regulations for supporting steel structures riveted by rivets and screws ("Official Gazette of SFRY", edition 41/64),

bb) Regulation on technical regulations for welded steel structures in supporting steel structures ("Official Gazette of SFRY", edition 41/64),

c) Regulation on technical regulations on the quality of welded joints for supporting steel structures ("Official Gazette of SFRY", edition 41/64),

d) Regulation on technical regulations for tolerance of measures and forms in supporting steel structures ("Official Gazette of SFRY", edition 41/64),

e) Regulation on technical regulations on the effect of winds on supporting steel structures ("Official Gazette of SFRY", edition 41/64),


gg) Regulation on technical regulations for joints with prestressed bolts in supporting steel structures ("Official Gazette of SFRY", edition 6/65),

hh) Regulation on technical regulations for inspection and testing of supporting steel structures ("Official Gazette of SFRY", Edition 6/65),

ii) Regulation on technical regulations for maintenance of steel structures during exploitation in supporting steel structures ("Official Gazette of SFRY", edition 6/65),


kk) Regulation on minimum technical requirements for construction of apartments ("Official Gazette of SFRY", edition 45/67),

ll) Regulation on technical measures and conditions for construction of the walls of buildings ("Official Gazette of SFRY", edition 17/70),

mm) Regulation on technical measures and conditions for construction of facilities for protection against floods ("Official Gazette of SFRY", edition 2/70),

nn) Regulation on technical measures and conditions for performing research works for construction of large buildings ("Official Gazette of SFRY", edition 3/70 - not applicable to Serbia),
oo) Regulation on technical regulations on lightning rods ("Official Gazette of SFRY", edition 13/68),
pp) Regulation on technical conditions and norms for safe transport of liquefied and gaseous hydrocarbons by main oil pipelines and gas pipelines and oil pipelines and gas pipelines for international transport ("Official Gazette of SFRY", edition 26/85),
qq) Regulation on technical norms and conditions for design and construction of tunnels on roads ("Official Gazette of SFRY", edition 59/73),
rr) Regulation on technical norms and conditions for the design and construction of railway tunnels ("Official Gazette of SFRY", edition 55/73),
ss) Regulation on conditions for location, construction, trial work, commissioning and use of nuclear facilities ("Official Gazette of SFRY", edition 52/88),
tt) Regulation on technical norms for rehabilitation, reinforcement and reconstruction of building construction buildings damaged by earthquakes and for reconstruction and revitalization of building construction buildings (Official Gazette of SFRY, edition 52/85),
uu) Regulation on technical norms for shelters ("Official Gazette of SFRY", edition 55/83),
vv) Regulation on technical norms for construction of coverts ("Official Gazette of SFRY", edition 31/75),
ww) Regulation on technical measures and conditions for elevators ("Official Gazette of SFRY", edition 51/70, with the exception of provisions that have ceased to apply in accordance with Article 317 of the Regulation on technical norms for electric elevators for vertical transport of persons and cargo),
xx) Regulation on technical norms for facade electric lifts ("Official Gazette of SFRY", edition 19/86),
yy) Regulation on technical norms for suspended electric scaffolds ("Official Gazette of SFRY", edition 19/86),
zz) Regulation on technical norms for electric elevators for vertical transport of persons and cargo ("Official Gazette of SFRY", editions 16/86 and 28/89),
aaa) Regulation on technical norms for electric elevators for inclined transport of persons and goods ("Official Gazette of SFRY", edition 49/86),
bbb) Regulation on technical norms for surface exploitation of architectural and construction stone (decorative stone), technical stone, gravel and sand and processing of architectural and construction stone ("Official Gazette of SFRY", edition 11/86),
ccc) Regulation on mandatory attestation of facade bricks and blocks of clay and on the conditions that must be met by working organizations authorised to attest these products ("Official Gazette of SFRY", edition 18/91),
ddd) Regulation on mandatory attestation of clay tiles and on the conditions that must be met by working organizations authorised to attest these products ("Official Gazette of SFRY", edition 24/90),
eee) Regulations on mandatory attestation of electric elevators for vertical transport of persons and cargo and the conditions that must be fulfilled by organizations of associated labour authorised to attest these products ("Official Gazette of SFRY", edition 27/90),
fff) Regulation on mandatory attestation of the door lock of doors for elevators and conditions that must be fulfilled by organizations of associated labour authorised to attest these products ("Official Gazette of SFRY", edition 18/91),
igg) Regulation on mandatory attestation of buffers used on elevators and conditions to be fulfilled by organizations of associated labour authorised to attest these products ("Official Gazette of SFRY", edition 18/91),
hhh) Regulation on mandatory attestation of the speed limiters for elevators and the conditions that must be fulfilled by organizations of associated labour authorised to attest these products ("Official Gazette of SFRY", edition 18/91),
iii) Regulation on mandatory attestation of the catching device for elevators and the conditions that must be fulfilled by organizations of associated labour authorised to attest these products ("Official Gazette of SFRY", edition 18/91),
jjj) Regulation on technical norms for determining the size of the load of bridges ("Official Gazette of SFRY", edition 1/91),
kkk) Regulation on technical standards for ventilation or air conditioning systems ("Official Gazette of SFRY", edition 38/89),
mmm) Regulation on technical norms for operation of load bearing construction structures ("Official Gazette of SFRY", edition 26/88),
and other technical regulations unless they are contrary to the provisions of this Law.

Article 196

(1) Administrative procedures initiated before competent institutions by the date of entry into force of this Law shall be finalized in compliance with the provisions of the law that had been in effect at the time of initiation of the procedure, unless this Law is more favourable for the investor.

(2) Procedures initiated pursuant to the provisions of the Law on Construction Land ("Republic of Srpska Official Gazette", edition 112/06) shall be finalized in compliance with provisions of that law and regulations adopted on the basis of that law.

(3) Calculation of the fee for development of construction land until the adoption of the Regulation referred to in Article 73, Section 5 of this Law shall be done on the basis of the decision on construction land of a local self-government unit that was in force at the time of entry into force of this Law.

Article 197

Provisions of this Law on energy efficiency shall apply following the adoption of bylaws from the area of energy efficiency stipulated by this Law and the Law governing the field of energy efficiency.

Article 198

Upon the entry into force of this Law, the following shall cease to be effective:

a) the Law on Development of Physical Space and Construction ("Republic of Srpska Official Gazette", edition 55/10) and
b) the Law on Construction Land ("Republic of Srpska Official Gazette", edition 112/06), except for Article 44 of the aforesaid Law.

Article 199

This Law shall enter into force on the eighth day from the date of its publication in the "Republic of Srpska Official Gazette".

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Dated, 25th April 2013
Banja Luka

CHAIRMAN
OF THE NATIONAL ASSEMBLY
Igor Radojičić, MSc